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**Thin Security?**  
**The challenge of engaging informal security**  
**actors in DFID's security sector reform**  
**programme in Sierra Leone**

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degree of PhD

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## *THESIS SUMMARY*

The United Kingdom's Department for International Development (DFID) has undertaken a highly innovative development strategy in Sierra Leone, reforming the security sector of the post-conflict state in order to ensure a stable environment in which investment and development can occur. Yet in doing so, DFID has not engaged with the actual locus of security provision in Sierra Leone and the effectiveness of reforms thus remains limited. This thesis seeks to understand why DFID has been unable to engage with informal security actors in its security sector reform (SSR) programme in Sierra Leone.

Informal security actors are the dominant providers of policing and justice in Sierra Leone, with approximately 80 per cent of the population relying upon their services. Despite this, however, this thesis illustrates that DFID's bureaucratic and political nature produce particular understandings of security and the causes of war that focus overwhelmingly on state capacity and security provision. As a result, DFID engages with only state security providers and state failure aspects of the causes of war. Ultimately, this approach limits the ability of DFID's SSR programme to comprehensively address the causes of conflict and sustainably transform security provision in Sierra Leone. These limitations must be overcome if DFID is to remain at the forefront of SSR policy and practice.

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## *ACRONYMS*

|            |         |   |
|------------|---------|---|
|            | ACPP    | African Conflict Prevention Pool                        |
|            | AFRC    | Armed Forces Revolutionary Council                      |
|            | APC     | All People's Congress                                   |
|            | CCSSP   | Commonwealth Community Safety and Security Project      |
|            | CDF     | Civil Defence Forces                                    |
|            | CDIID   | Complaints, Discipline and Internal Investigations      |
| Department |         |   |
|            | CGRP    | Chiefdom Governance Reform Programme                    |
|            | CHAD    | Conflict and Humanitarian Affairs Department            |
|            | CPDTF   | Commonwealth Police Development Task Force              |
|            | CPP     | Conflict Prevention Pool                                |
|            | DDR     | Disarmament Demobilisation and Reintegration            |
|            | DFID    | United Kingdom Department for International Development |
|            | ECOMOG  | Economic Community of West African States Monitoring    |
| Group      |         |   |
|            | FCO     | United Kingdom Foreign and Commonwealth Office          |
|            | FSU     | Family Support Unit                                     |
|            | GCPP    | Global Conflict Prevention Pool                         |
|            | GoSL    | Government of Sierra Leone                              |
|            | IGP     | Inspector General of Police                             |
|            | ISU     | Internal Security Unit                                  |
|            | JSCO    | Justice Sector Coordination Office                      |
|            | JSDP    | Justice Sector Development Programme                    |
|            | LCU     | Local Command Unit                                      |
|            | LDP     | Law Development Programme                               |
|            | LNP     | Local Needs Policing                                    |
|            | LPPB    | Local Police Partnership Boards                         |
|            | MoD     | United Kingdom Ministry of Defence                      |
|            | NCOIC   | Non-Commissioned Officer in Charge of Crime             |
|            | NPFL    | National Patriotic Front of Liberia                     |
|            | NPRC    | National Provisional Ruling Council                     |
|            | ODA     | Overseas Development Agency                             |
|            | OSG     | Operational Support Group                               |
|            | PCRP    | Paramount Chiefs Restoration Programme                  |
|            | PPJ     | Promoters of Peace and Justice                          |
|            | PRSP    | Poverty Reduction Strategy Paper                        |
|            | RUF     | Revolutionary United Front                              |
|            | SILSEP  | Sierra Leone Security Sector Reform Programme           |
|            | SJSR    | Security and Justice Sector Reform                      |
|            | SLA     | Sierra Leone Army                                       |
|            | SLP     | Sierra Leone Police                                     |
|            | SLPP    | Sierra Leone People's Party                             |
|            | SSD     | Special Security Division                               |
|            | SSR     | Security Sector Reform                                  |
|            | UNAMSIL | United Nations Assistance Mission in Sierra Leone       |
|            | UNOMSIL | United Nations Observer Mission in Sierra Leone         |

## MAPS



Sierra Leone and  
regional surrounds



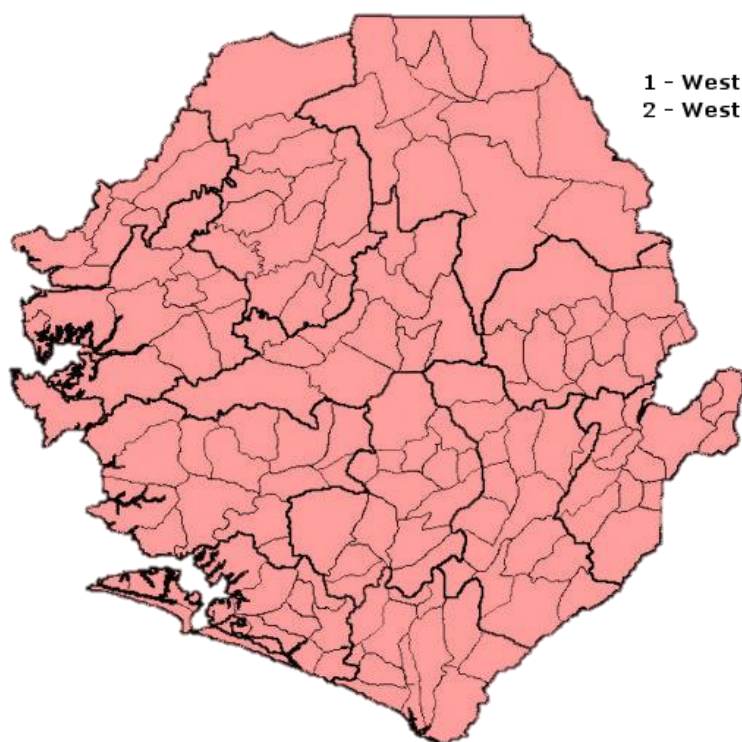


Provincial map of  
Sierra Leone

District map of  
Sierra Leone



1 - Western Area Urban  
2 - Western Area Rural



Chiefdom map of  
Sierra Leone

# Introduction

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In the car park next to a disused swimming pool in the United Kingdom Department for International Development's (DFID) Freetown compound, white four-wheel drives pass in and out of fortified gates. Sierra Leone's eleven year civil war, which left 10,000 amputees, 35,000 orphans, and which partly had its roots in a dilapidated education system, might lead you to assume that the 4WDs were carrying medical supplies or returning from visiting schools upcountry.<sup>1</sup> In fact, until 2009, DFID's projects in Sierra Leone focused overwhelmingly on the police, military, intelligence service and judicial system. Its funding more frequently supported the provision of uniforms, training in teargas and baton use, supplementing the salaries of judges and lawyers to deter them from private practice and building living quarters for the armed forces. Such work is indicative of the changing nature of development assistance, from being concerned primarily with education, healthcare and human rights up until the 1990s, to focusing increasingly on security since the end of the twentieth century.<sup>2</sup> Security, DFID policy and practice suggests, is a prerequisite for more traditional development.<sup>3</sup> As a result of this purported security-development nexus, 'programming in what traditionally were two discrete sectors is increasingly meshing.'<sup>4</sup> Furthermore, this cosier relationship between security and development seems set to continue for the foreseeable future, with DFID spending under David Cameron's coalition government focusing on security in conflict and post-conflict countries.<sup>5</sup>

This more proximate relationship between the concepts of security and development has combined with a zeal for social-engineering, resulting in a proliferation of peacebuilding interventions that aim to recreate societies that will supposedly ensure a more peaceful world order.<sup>6</sup> As Francis Fukuyama notes, 'the ability to shore up or create from whole cloth

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<sup>1</sup>United Nations Children's Fund, "At a Glance: Sierra Leone," [http://www.unicef.org/infobycountry/sierraleone\\_statistics.html](http://www.unicef.org/infobycountry/sierraleone_statistics.html), accessed 31 August, 2010.

<sup>2</sup> Mark Duffield, *Global Governance and the New Wars* (London: Zed Books, 2001).

<sup>3</sup> DFID, "Eliminating World Poverty: Making globalisation work for the poor," White Paper, December 2000; DFID, "Poverty and the Security Sector" (London: DFID, 1998).

<sup>4</sup> Agnes Hurwitz and Gordon Peake, "Strengthening the Security-Development Nexus: Assessing International Policy and Practice Since the 1990s," Conference Report, International Peace Academy, April 2004, 1.

<sup>5</sup> BBC News, "UK to spend £1bn on 'war' nations," 6 July, 2009; Nicholas Watt, "Protests as UK security put at heart of government's aid policy," *The Guardian*, 29 August 2010.

<sup>6</sup> Roland Paris notes the 'growth industry' that post-conflict peacebuilding developed into through the 1990s, with 14 large-scale interventions in post-conflict countries (more took place if interventions are broadened to states not emerging from conflict). See Roland Paris, *At War's End: Building peace after civil conflict* (Cambridge: Cambridge University Press, 2004), 3-4.



missing state capabilities and institutions has risen to the top of the global agenda and seems likely to be a major condition for security in important parts of the world.’<sup>7</sup> Out of this agenda new development strategies and programmes have been innovated. Central among them is security sector reform (SSR), involving the restructuring of the security apparatus to ensure democratic security governance in post-conflict and fragile states.<sup>8</sup> The rationale underpinning SSR is that a well functioning, disciplined and democratically controlled security sector will provide a secure environment in which investment and development can occur in a sustainable manner.<sup>9</sup> With these goals in mind, programmes have since been implemented in places such as Haiti, the Democratic Republic of the Congo (DRC), Kosovo, Timor-Leste, Iraq, Afghanistan, Liberia and Sierra Leone.

DFID has become a lead innovator in SSR programming, coining the term in 1997 and partnering with the Ministry of Defence (MoD) and Foreign and Commonwealth Office (FCO) to provide ‘joined-up’ and sector-wide reforms in post-conflict and fragile states. Of particular note has been DFID’s SSR programme in Sierra Leone, largely perceived to be the most comprehensive and successful SSR project to date and thus occupying somewhat of an archetypal status in international peacebuilding circles.<sup>10</sup> Yet interestingly, DFID’s reforms have often not engaged with the actual locus of security provision in Sierra Leone. In focusing overwhelmingly on state security providers, DFID’s SSR programme leaves untouched and unreformed the plethora of informal security actors that constitute the predominant policing and justice providers in Sierra Leone. This means that the SSR programme is having only a limited impact on the quality of security provided in post-conflict Sierra Leone. A lack of engagement with informal security actors also leaves contributing causes of the war unaddressed, suggesting that DFID has either only partially understood, or chosen not to engage with the full gambit of the causes of conflict in Sierra Leone. Understanding the causes and consequences of this lack of engagement with informal actors is the aim of this

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<sup>7</sup> Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century* (Ithaca, NY: Cornell University Press, 2004), xi-xii.

<sup>8</sup> Timothy Donais, “Inclusion or Exclusion? Local Ownership and Security Sector Reform,” *Studies in Social Justice* 3, no. 1 (2009): 118.

<sup>9</sup> Alan Bryden, Boubacar N’Diaye and ‘Funmi Olonisakin, “Understanding the Security Challenges of Security Sector Governance in West Africa,” in *Understanding the Security Challenges of Security Sector Governance in West Africa*, eds. Alan Bryden, Boubacar N’Diaye and ‘Funmi Olonisakin (Berlin: Lit Verlag, 2008), 4.

<sup>10</sup> ‘Funmi Olonisakin, *Peacekeeping in Sierra Leone: The story of UNAMSIL* (Boulder, CO: Lynne Rienner, 2008), 1-3; United Nations Security Council, “Security Council Presidential Statement Emphasises Security Sector Reform Essential Element of Post-Conflict Stabilisation, Reconstruction,” 5889th and 5890th Meetings, 12 May, 2008, <http://www.un.org/News/Press/docs/2008/sc9327.doc.htm>, accessed 10 August, 2010; Adrian Horn and ‘Funmi Olonisakin with Gordon Peake, “UK-led Security Sector Reform in Sierra Leone,” in *Managing Insecurity*, eds. Gordon Peake, Eric Scheye and Alice Hills (London: Routledge, 2008), 23.

thesis.

## **Research questions**

This project began with an interest in the efficacy of DFID's SSR programme in providing improved security for Sierra Leoneans. Improved security is now recognised as being dependent on addressing the causes of civil war.<sup>11</sup> In Sierra Leone, contrary to popular understandings, conflict was triggered as much by failures of informal systems of governance, such as chieftaincy and patrimonialism, as by failures of state government. This led to a more detailed consideration within the project of informal governance practices, with a particular focus on the chieftaincy system, given its unique strength and longevity in Sierra Leone and by extension the secret societies that support or are closely related to chieftaincy. It became increasingly apparent that important aspects of security - principally policing and justice functions - were administered to the majority of the Sierra Leonean population by such informal actors. Any attempts to comprehensively address the causes of conflict and to transform the nature of security provision in Sierra Leone would therefore have to engage with these informal actors.

From this problematic the following research question emerged that structures this thesis: *What limits DFID's ability to engage with informal security actors in its security sector reform programme in Sierra Leone.* While an evolution towards greater engagement is apparent within DFID's policy and projects, overwhelmingly DFID has not engaged with informal actors. DFID's seeming inability to engage with informal actors can be explained by its understanding of the concept of security, which is linked to its concept of the state, both of which are determined by the organisation's bureaucratic nature and political mandate. This bureaucratic nature and political mandate provide DFID with a particular vision of the state and security that lead to an understanding of the causes of war as rooted in state failure. As a result, this viewpoint leads to an overwhelming focus in DFID's post-conflict SSR response on reforming formal state institutions. This 'DFID view' is contrasted throughout the thesis with a 'thicker'<sup>12</sup> understanding of security in Sierra Leone, embedded in equally 'thick' understandings of governance, that locate the causes of conflict in not only state failure, but also failure of informal actors. This thicker approach suggests that comprehensively

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<sup>11</sup> Mark White, "The Security and Development Nexus: A Case Study of Sierra Leone 2004-2006," Paper No. 4, Security System Transformation in Sierra Leone, 1997-2007, October 2008, 3.

<sup>12</sup> Clifford Geertz, *The Interpretation of Cultures* (London: Hutchinson, 1975).

addressing the causes of conflict and sustainably transforming security would also require reform of informal institutions. Without being able to account for this thicker understanding, the success of DFID's SSR programme in Sierra Leone will be limited. Thus ultimately, it is DFID's bureaucratic and political character that prevent it from engaging with informal security actors and, by extension, from more successfully reaching the goals of addressing the causes of conflict and transforming security provision it has set itself.

The pertinence of these enquiries is demonstrated by the status that Sierra Leone holds as a successful case of SSR; that DFID holds as a leading SSR donor; and the challenges that informal security actors pose to post-conflict recovery efforts globally. Sierra Leone is considered within the international community to be the most comprehensive and successful SSR programme to date, with projects being adapted from the Sierra Leonean experience to other contexts.<sup>13</sup> Given the status that SSR in Sierra Leone has achieved as something of an archetype for sector-wide reform through a 'whole of government' approach, some of this analysis will have transferability beyond this particular context. For instance, the Family Support Units, discussed in chapter three have since been adapted and included in SSR programmes in Liberia and the Democratic Republic of the Congo, and thus the analysis here will be of interest in these contexts as well.

DFID has been at the forefront of SSR policy and has now been involved in SSR programming for over a decade. It has conducted one of the most comprehensive SSR programmes as a single donor, incorporating restructuring, recruitment and retraining of the Republic of Sierra Leone Armed Forces and Sierra Leone Police, the revitalisation of the Central Intelligence and Security Unit, reform of the judiciary and penal system, training of Parliamentary oversight committees and the Anticorruption Commission and the establishment of the Office for National Security, to provide sector-wide coordination of the security apparatus. These reforms have been ongoing over almost fourteen years, with police reform commencing in 1997, and the Justice Sector Development Programme to be wound down in 2011. DFID represents the most successful SSR programmer to date. It is widely accepted that DFID's efforts in Sierra Leone have contributed to a more stable and secure

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<sup>13</sup> Olonisakin, *Peacekeeping in Sierra Leone*, 1-3; United Nations Security Council, "Security Council Presidential Statement Emphasises Security Sector Reform Essential Element of Post-Conflict Stabilisation, Reconstruction."

post-conflict environment.<sup>14</sup> With great respect for this achievement, this thesis critiques DFID's SSR programme precisely because it has been so successful.<sup>15</sup> By seeking to explain the organisational limitations of the most impressive SSR donor, this thesis may further the ability of SSR to better address causes of conflict and sustainably transform security provision in fragile and post-conflict states.

While some in the security studies literature might discount the importance of informal security actors,<sup>16</sup> increasing attention is now being paid to these actors given the challenges they pose to post-conflict recovery in many fragile security contexts, such as Afghanistan, Timor-Leste and Somalia.<sup>17</sup> Given the emphasis placed upon local ownership and the need for greater recognition of context in the literature on peacebuilding operations, confronting challenges such as that posed by informal security actors is important in improving the ability (or indeed questioning the ability) of peacebuilders to achieve their goals of socially-engineered states.<sup>18</sup> An investigation into the ability of DFID – a leading SSR actor – to engage with informal security actors, who represent an important obstacle to DFID's social engineering plans in the context of Sierra Leone, is thus pertinent and timely.

### **Contribution to the literature**

This thesis sits at the intersection of three literatures, drawing on and contributing to each: peacebuilding (specifically security sector reform); the civil war in Sierra Leone; and the role of informal actors (also referred to as non-state actors and twilight institutions). These three fields of study have each garnered substantial academic attention in their own right and the contribution made to each of them requires elaboration.

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<sup>14</sup> Peter Albrecht and Paul Jackson, *Security System Transformation in Sierra Leone, 1997-2007* (Birmingham: Global Facilitation Network for Security Sector Reform, Birmingham University, 2009), 147-148; Olonisakin, *Peacekeeping in Sierra Leone*.

<sup>15</sup> Of course, other donors, such as the United Nations, World Bank and European Community – to name a few – are also active in Sierra Leone. However, their support is largely dwarfed by the role taken by DFID. DFID is frequently pointed to as the lead donor in Sierra Leone, particularly in relation to SSR, and it has undertaken substantial efforts to transform this image to one of burden-sharing through partnership. Its leadership role, however, makes it the most relevant donor to examine in the Sierra Leonean context. Author interviews with DFID Sierra Leone staff, February – April 2009.

<sup>16</sup> See, for instance, Ian Loader and Neil Walker, *Civilising Security* (Cambridge: Cambridge University Press, 2007).

<sup>17</sup> Peake, Scheye and Hills, *Managing Insecurity*; Mark Sedra, "Security Sector Reform in Afghanistan: An Instrument of the State-Building Project," in *Fragile States and Insecure People? Violence, Security and Statehood in the Twenty-First Century*, eds. Louise Andersen, Björn Möller and Finn Stepputat (New York, NY: Palgrave Macmillan, 2007); Ken Menkhaus, "Local Security Systems in Somali East Africa," in *Fragile States and Insecure People? Violence, Security and Statehood in the Twenty-First Century*, eds. Louise Andersen, Björn Möller and Finn Stepputat (New York, NY: Palgrave Macmillan, 2007).

<sup>18</sup> Mats Berdal, *Building Peace After War* (Abingdon: Routledge, 2009).

### *Peacebuilding and Security Sector Reform*

Literature on security sector reform, while scarce a few years ago, has burgeoned into a recognisable sub-field of the much broader literature on post-conflict peacebuilding. Early contributions from Nicole Ball and researchers at the Geneva Centre for the Democratic Control of Armed Forces focused on the practicalities of how to implement reforms in a highly technocratic manner.<sup>19</sup> The research agenda has since deepened, with more attention paid to local ownership and context.<sup>20</sup> There have also been some efforts to focus specifically on SSR in Sierra Leone.<sup>21</sup> Overwhelmingly, however, these works have recounted the process of reform, rather than critiquing the nature of the reforms themselves. This has, of course, been invaluable in providing a record of what was a highly innovative development programme. However, the works provide less by way of critique of DFID's SSR programme, and thus do not sufficiently question some of the choices, assumptions or practices that are now informing SSR programmes across the globe. This thesis seeks to rectify this lacuna in the literature by focusing on one particular under-examined challenge that limits the ability of DFID to recreate Sierra Leone's security sector according to democratic civil-military relations models.

The contribution made here, however, goes beyond simply indicating that security provision is broader than the state in Sierra Leone and that therefore DFID's SSR programme needs to engage with informal actors. In reinforcing the importance of such engagement through a 'thick' understanding of the causes of war and nature of security, the thesis also contributes to the SSR and peacebuilding literature by revealing the limitations of a key donor to perceive the complexity that characterises the security architecture in Sierra Leone. While these findings are specific to DFID in Sierra Leone, the insight is relevant to other donors working in fragile and post-conflict settings and points to the need for further research into the workings of donor organisations themselves. Given the reams of literature that 'wag admonishing fingers'<sup>22</sup> at the inefficiencies of the aid industry, this thesis further contributes

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<sup>19</sup> Nicole Ball, *Reforming the Security Sector: Policy Options for the British Government* (London: Saferworld, 1998).

<sup>20</sup> See, for instance, Laurie Nathan, *No Ownership, No Commitment: A Guide to Local Ownership of Security Sector Reform* (Birmingham: University of Birmingham, October 2007); Donais, "Inclusion or Exclusion?"; Sedra, "Security Sector Reform in Afghanistan"; and Osman Gbla, "Security Sector Reform Under International Tutelage in Sierra Leone," *International Peacekeeping* 13, no. 1 (2008): 78-93.

<sup>21</sup> See Albrecht and Jackson, *Security System Transformation in Sierra Leone*; Gbla, "Security Sector Reform Under International Tutelage in Sierra Leone"; and Michael S. Kargbo, *British Foreign Policy and Conflict in Sierra Leone, 1991-2001* (Bern: Peter Lang, 2006).

<sup>22</sup> Ben Ramalingam and Michael Barnett, "The Humanitarian's Dilemma: Collective action or inaction in international relief?," Background Note, Overseas Development Institute, August 2010, 2.

to the peacebuilding literature by suggesting that fruitful examination of this issue requires investigation into the internal workings of donors, through which their view of the world in which they work is refracted.<sup>23</sup>

### *Causes of the conflict in Sierra Leone*

The commitment to ‘thick’ analysis within this thesis also has implications for understanding the causes of conflict in Sierra Leone. Whilst DFID’s ‘thin’ approach to the causes of war locates failure merely at the level of the state, a thick approach suggests that failures of informal actors were also a cause of the conflict. Therefore, in order to comprehensively address conflict causes and establish a sustainable peace, DFID needs to engage with a broader range of actors than simply the formal state. There has been no attempt in the literature to link DFID’s SSR programme in Sierra Leone to their understanding of the causes of war. This is surprising given that one of the aims of the SSR programme is to address the weaknesses that allowed conflict to occur,<sup>24</sup> suggesting that DFID’s understanding of the causes of conflict is important in formulating its SSR strategy. This thesis seeks to rectify this oversight. If SSR is being employed by DFID as the most comprehensive post-conflict peacebuilding strategy in Sierra Leone, and post-conflict peacebuilding is characterised as attempting to address the causes of conflict in order to build a sustainable peace, then how DFID understands the causes of conflict becomes crucial.

Despite popular perceptions (supported by some scholars)<sup>25</sup> that the war in Sierra Leone was centrally about diamonds, there has in fact been substantial debate over the causes of conflict. Early interpretations included Robert Kaplan’s ‘new barbarism’ thesis, articulated in a 1994 article in the *Atlantic Monthly*. It claimed that conflict in Sierra Leone, and throughout Africa more generally, was suggestive of a reversion to ‘underlying primitivisms that are part of these cultures’.<sup>26</sup> According to Kaplan, African civil wars possess ‘less and less politics’ and are largely criminally motivated, and therefore are not open to resolution through

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<sup>23</sup> Pursuing a similar agenda through highlighting the different frames through which organisations view conflict in relation to operations in the Democratic Republic of Congo, is Severine Autesserre, “Hobbes and the Congo: Frames, Local Violence, and International Intervention,” *International Organization* 63 (2009): 249-280.

<sup>24</sup> DFID, “The Causes of Conflict in sub-Saharan Africa” (London: DFID, FCO and MoD, October 2001).

<sup>25</sup> Paul Collier, “Economic Causes of Civil Conflict and Their Implications for Policy”, in *Turbulent Peace: The challenge of managing international conflict*, eds. Chester A. Crocker, Fen Osler Hampson and Pamela Aall (Washington: United States Institute of Peace, 2001); Ian Smillie, Lansana Gberie and Ralph Hazleton, *The Heart of the Matter: Sierra Leone, Diamonds and Human Security* (Ottawa: Partnership Africa Canada, 2000).

<sup>26</sup> Robert D. Kaplan, “The Coming Anarchy,” *Atlantic Monthly* (February 1994): 44-76.

conventional diplomatic means.<sup>27</sup> Responding to Kaplan's work, Paul Richards explains that 'lacking any Cold War roots, or evident religious or ethnic dimensions, but possessing a high quotient of apparently bizarre and random acts of violence, many perpetrated by children, this conflict is cited by Kaplan as a prime instance of the New Barbarism.'<sup>28</sup> Kaplan's view, widely publicised within the American government,<sup>29</sup> was later trumped by arguments, made principally by former-World Bank economist Paul Collier, that the conflict was centrally about diamonds. He argues:

The risk of civil war has been systematically related to a few economic conditions, such as dependence upon primary commodity exports and low national income. Conversely, and astonishingly, objective measures of social grievance, such as inequality, a lack of democracy, and ethnic and religious divisions, have had no systematic effect on risk. I argue that this is because civil wars occur where rebel organisations are financially viable.<sup>30</sup>

Collier's position was supported by the Sierra Leonean Ambassador to the United Nations at the time, who insisted that 'the conflict was not about ideology, tribal or regional differences. It had nothing to do with the so-called problem of marginalised youths, or ... an uprising by rural poor against the urban elite. The root of the conflict was and remained diamonds.'<sup>31</sup> Yet as Krijn Peters points out, this argument does not account for the fact that the civil war was waged for several years without substantial diamond income and that while the conflict might be renowned as an example of war motivated by greed, real grievances are in fact perceptible in the motivations many former Revolutionary United Front (RUF) participants cite as their reasons for joining.<sup>32</sup>

Paul Richards has produced perhaps the most thoroughly researched account of Sierra Leone's violence, arguing that its roots are located in systems of injustice and poor governance provided by the central government, as well as the systems of patrimonialism enforced by chiefs, elders and 'big men' in the provinces.<sup>33</sup> This work has been largely supported by that of Krijn Peters, Richard Fanthorpe, Paul Jackson, Tunde Zack-Williams and

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<sup>27</sup> Ibid.

<sup>28</sup> Paul Richards, *Fighting for the Rainforest* (London: James Currey, 1996), xv.

<sup>29</sup> S. Bradshaw, "The Coming Chaos?," *Moving Pictures Bulletin* 25 (February 1996): 18-19.

<sup>30</sup> Collier, "Economic Causes of Civil Conflict," 143.

<sup>31</sup> Quoted in Angela McIntyre, Emmanuel Kwesi Aning and Prosper Nii Nortey Addo, "Politics, War and Youth Culture in Sierra Leone," *African Security Review* 11, no. 3 (2002): 12.

<sup>32</sup> Krijn Peters, "Footpaths to Reintegration: Armed Conflict, Youth and the Rural Crisis in Sierra Leone," (PhD diss., Wageningen University, 2006), 7.

<sup>33</sup> Paul Richards, "Agrarian Underpinnings of the Sierra Leone Conflict," in *Violence, Political Culture and Development in Africa*, ed. Preben Kaarsholm (Oxford: James Currey, 2006), 192-194.

often informs reports of organisations working within Sierra Leone, including the Truth and Reconciliation Commission.<sup>34</sup> It is elaborated in this thesis as the most convincing account of the causes of conflict in Sierra Leone, offering the fullest explanation of the violence that took place and consistent with findings in interviews with former combatants, as well as representatives of government, the security sector and civil society. In this thesis, I draw upon Richards' work and through it demonstrate a key limitation of DFID's SSR programme: that is, its lack of engagement with the full spectrum of security actors. By examining the *implications* of the understanding of the causes of war for DFID's SSR programme, this thesis contributes to the literature surrounding the causes of war in Sierra Leone and highlights the ongoing relevance of the debate.

### *Informal actors*

The third body of literature that the thesis is embedded in relates to the role of informal institutions in governance and security in fragile states. This research agenda has been pursued most vigorously at the Danish Institute for International Studies (DIIS) with key contributions from Finn Stepputat, Lars Buur, Bjørn Møller, Helene Kyed and Louise Andersen.<sup>35</sup> As Helene Kyed and Lars Buur note, traditional leaders often carry out 'state functions in local political settings, such as dispensing justice, collecting rent, and policing.'<sup>36</sup> Christian Lund has employed the concept of 'twilight institutions' to refer to those governance entities that exist beyond the state and yet carry out what are conventionally understood as state functions. He suggests that:

when we approach the phenomenon of public authority and governance, it is useful not to see it as stemming from one single source, but rather to focus on how particular issues (security, justice, development, taxation and others) are governed and which actors are engaged in them.<sup>37</sup>

The focus on informal actors adopted within the thesis also provides an implicit critique of

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<sup>34</sup> Peters, "Footpaths to Reintegration"; Richard Fanthorpe, "Humanitarian aid in post-war Sierra Leone: the politics of moral economy," HPG Background Paper (London: Overseas Development Institute, February 2003); Paul Jackson, "Chiefs, Money and Politicians: Rebuilding Local Government in Post-War Sierra Leone," *Public Administration & Development* 25, no. 1 (February 2005): 54; Truth and Reconciliation Commission for Sierra Leone, "Witness to Truth: Final Report of the Truth and Reconciliation Commission for Sierra Leone," 2004, <http://www.trcsierraleone.org/drwebsite/publish/index.shtml>, accessed 17 January, 2009.

<sup>35</sup> Andersen, Möller and Stepputat eds., *Fragile States and Insecure People?*; Helene Maria Kyed and Lars Buur eds., *State Recognition and Democratisation in Sub-Saharan Africa* (Houndsmills: Palgrave Macmillan, 2007).

<sup>36</sup> Helene Maria Kyed and Lars Buur, "Introduction: Traditional Authority and Democratisation in Africa," in *State Recognition and Democratisation in Sub-Saharan Africa*, 2.

<sup>37</sup> Christian Lund, "Twilight Institutions: An Introduction," in *Twilight Institutions*, ed. Christian Lund (Oxford: Blackwell, 2007), 10.



peacebuilding as state building. As Andersen, Møller and Stepputat suggest, ‘by virtue of the real life alternatives to state authority and state legitimacy ... [fragile states] present, they force us to rethink and explore the limits of the normative state model that is underpinning most of the current discussion about order and disorder in the global system.’<sup>38</sup> While peacebuilding is conceptually a broader category than state building (which may fall within its remit), increasingly peacebuilding has been operationalised through efforts to strengthen the state, as becomes clear through an examination of DFID’s SSR programme in Sierra Leone.<sup>39</sup> Andersen, Møller and Stepputat explain:

The shift toward state-building discourse ... highlights that the establishment of efficient and legitimate national institutions are increasingly seen as pivotal. To overcome problems of violent conflict and poverty, societies need to build a state that is capable and responsible as well as effective and just.<sup>40</sup>

This state building approach to building peace overlooks the important roles that non-state actors play within governance and security provision in many fragile states, particularly in Africa.<sup>41</sup> Giving greater consideration to ‘everyday’ governance<sup>42</sup> and security provides a more accurate account of authority and service delivery practices which require reform to build a sustainable peace. Informal security actors are an often overlooked feature of the security matrix in Sierra Leone. Despite the prevalence of these actors, increasingly recognised in donor reports,<sup>43</sup> few scholars have devoted substantial attention to them. The notable exception to this trend is Bruce Baker, who has written extensively on informal policing actors in Sierra Leone (and elsewhere).<sup>44</sup> His work has been invaluable as a starting

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<sup>38</sup> Finn Stepputat, Louise Andersen and Bjørn Møller, “Introduction: Security Arrangements in Fragile States,” in *Fragile States and Insecure People*, 5.

<sup>39</sup> For more on the relationship between peacebuilding and state building see Alina Rocha Menocal, “‘State-building for Peace’ – A new paradigm for engagement in post-conflict fragile states?,” European University Institute Working Paper 34, Robert Schuman Centre for Advanced Studies, April 2010, 5.

<sup>40</sup> Stepputat, Andersen and Møller, “Introduction,” 4.

<sup>41</sup> Eric Scheye, “State-Provided Service, Contracting Out and Non-State Networks: Justice and Security as Public and Private Goods and Services,” The International Network on Conflict and Fragility (Paris: OECD, June 2009), 4-6; William Reno, “Bottom-Up Statebuilding,” in *Building States to Build Peace*, eds. Charles T. Call and Vanessa Wyeth (Boulder, CO: Lynne Rienner, 2008), 155.

<sup>42</sup> The notion of ‘everyday’ governance is drawn from G. Blundo and J-P Olivier de Sardan, *Everyday Corruption and the State* (London: Zed Books, 2006); and Giorgio Blundo and Pierre-Yves Le Meur, “An Anthropology of Everyday Governance: Collective Service Delivery and Subject-Making,” in *The Governance of Daily Life in Africa*, eds. Giorgio Blundo and Pierre-Yves Le Meur (Leiden: Brill, 2009).

<sup>43</sup> See for instance Clare Castillejo, “Building Accountable Justice in Sierra Leone,” Working Paper 76, FRIDE, January 2009; and Ryann Elizabeth Manning, “Landscape of Local Authority in Sierra Leone: How ‘Traditional’ and ‘Modern’ Justice and Governance Systems Interact,” in *Decentralisation, Democracy and Development: Recent Experience from Sierra Leone*, ed. Yongmei Zhou (Washington, DC: World Bank, 2009).

<sup>44</sup> See, for instance, Bruce Baker, “Who Do People Turn to for Policing in Sierra Leone?,” *Journal of Contemporary African Studies* 23, no. 3 (2005): 371-390; and Bruce Baker, “Beyond the State Police in Urban Uganda and Sierra Leone,” *Afrika Spectrum* 41, no. 1 (2006): 55-76.

point for this thesis, but does not link these actors to understandings of the causes of war or to SSR efforts. Understanding the importance of informal security actors in establishing sustainable peace through SSR therefore represents a new approach within the literature on informal actors.

While focusing specifically on the case of DFID in Sierra Leone, the thesis speaks more generally to the need to understand conflict within its particular cultural context and to understand the provision of security (and governance more broadly) from an experiential and bottom-up perspective. This builds upon similar calls in other post-conflict and fragile contexts.<sup>45</sup> In doing so we can begin to move towards a more relevant account of the otherwise loose and abstract categories of security and conflict, with which this thesis principally deals.

### **Research methods and sources**

The importance of understanding security through a thick understanding of experience lies at the heart of this thesis and a sociology of practice approach is thus adopted, seeking to understand practices within their culturally meaningful context. James C. Scott, drawing upon Clifford Geertz, explains this approach as follows:

Behaviour is never self-explanatory. One need cite only the famous example of a rapid closing and opening of a single eyelid, used by Gilbert Ryle and elaborated on by Clifford Geertz, to illustrate the problem. Is it a twitch or a wink? Mere observation of the physical act gives no clue. If it is a wink, what kind of wink is it: one of conspiracy, of ridicule, of seduction? Only a knowledge of the culture, the shared understandings, of the actor and his or her observers and confederates can begin to tell us ... It is one thing to know that landlords have raised cash rents for rice land; it is another to know what this behaviour means for those affected. Perhaps, just perhaps, tenants regard the rise in rents as reasonable and long overdue. Perhaps they regard the rise as oppressive and intended to drive them off the land. Perhaps opinion is divided. Only an inquiry into the experience of tenants, the meaning they attach to the event, can offer us the possibility of an answer ... A theft of grain, an apparent snub, an apparent gift – their import is inaccessible to us unless we can construct it from the meanings only human actors can provide. In this sense, we concentrate at least as much on the experience of behaviour as on behaviour itself, as much on history as carried in people's heads as on "the flow of events".<sup>46</sup>

Such a culturally-located and practice-oriented approach might seem commonsensical. Yet much of the literature on security, peacebuilding and SSR is glaringly abstract, focused more

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<sup>45</sup> Mark Sedra, "Security Sector Reform in Afghanistan."

<sup>46</sup> James C. Scott, *Weapons of the Weak: Everyday forms of peasant resistance* (New Haven, CT: Yale University Press, 1985), 45-46, quoting Clifford Geertz.

on making neat conceptual contributions than providing empirically-grounded accounts. The thick practice approach adopted here is crucial to pushing security studies and the peacebuilding literature towards more empirically-relevant research. The methods employed for conducting research attempt to derive an understanding of how and why DFID reforms happened as they did, drawn from policy narratives and the experiences of those implementing the programmes, and how these reforms did or did not engage with informal security actors and the implications of this for addressing the causes of conflict and altering the experience of policing and justice for Sierra Leoneans. By so doing, the thesis aims to demonstrate how the causes of war, security provision and DFID's SSR programme have impacted upon the lives of Sierra Leoneans. While I emphasise practice over discourse alone, this is not to suggest that these two realms exist in isolation. Rather, policy can indeed have limiting effects on practice, but practices are also determined by a bricolage of other factors, including personalities, political dynamics, local conditions and so on. It is important, therefore, to build an understanding of DFID's policy narratives, and these can then be traced to determine what influence they have on practices, while recognising that practices will not be driven by policy alone.

Research for the thesis begins with an analysis of DFID policy documents, which informs chapter one, in order to gain an understanding of the narratives DFID employs to explain the conflict in Sierra Leone and its SSR programme response. The goal is to understand the narratives informing DFID policy and thus underlying its practices in Sierra Leone. In examining policy documents, particular narratives of the causes of conflict in Sierra Leone become apparent that in turn 'create a burden of reform'.<sup>47</sup> In this case, by explaining the civil war in state failure and security-development nexus terms, DFID legitimates a state building response in order to fulfil its purpose of reducing poverty (only possible, it suggests, by addressing the causes of conflict to create the stability needed for investments in development).<sup>48</sup> As Roland Paris suggests, 'the manner in which a problem is defined may open up certain kinds of policy responses, while foreclosing others.'<sup>49</sup> In an effort to construct a narrative of DFID policy related to Sierra Leone and SSR, a search of DFID (as well as some FCO and MoD) documents was undertaken, tracing programmatic choices back to their

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<sup>47</sup> Deborah A. Stone, "Causal Stories and the Formation of Policy Agendas," *Political Science Quarterly* 104, no. 2 (1989): 299.

<sup>48</sup> DFID, "The causes of conflict in Africa: Consultation document," (London: DFID, FCO and MoD, March 2001).

<sup>49</sup> Roland Paris, "Ordering the World: Academic research and policymaking on fragile states," *International Studies Review* (forthcoming).

implicit assumptions regarding the causes of conflict. Policy documents were selected through broad searches relating to ‘security’, ‘Sierra Leone’, ‘causes of conflict’, ‘justice’ and ‘security sector reform’. Approximately 40 policy documents, white papers, evaluation reports and speeches from 1997 until 2007 were examined in an effort to infer DFID’s understanding of the causes of war and rationalisation of its SSR strategy (although emphasis was placed on the earlier documents, given that these had greater temporality to the programmes under investigation in Sierra Leone).

A grounded-theory approach was adopted in analysing the policy documents, reading initially with little preconceived ideas as to what might be found.<sup>50</sup> Arguments grew from issues raised or neglected in the policy documents, rather than from a preconceived interest in a particular theoretical standpoint. In this way, I sought for the documents to be evidence-led, rather than theory-led.<sup>51</sup> On reading the documents, I was struck by particular themes or dominant narratives that were often consistent across them. These were then investigated further, making these themes or narratives the central element of research and looking for information specifically on these issues. For instance, searches were conducted for documents with the key phrases ‘non-state’, ‘informal’, ‘state failure’, ‘security and development’, as it became clear that these were either central or absent issues. In terms of the reliability and replicability of the analysis, I have attempted to observe Ted Hopf’s litmus test, that if another analyst were to read the same policy documents, and were they to know of the importance of informal actors in Sierra Leone, they too would be struck by the absence of engagement with these actors in DFID’s policy documents and the consistency with which the conflict in Sierra Leone was understood in state failure and security-development nexus terms.<sup>52</sup>

Given my interest in understanding security through human experience, and the turn to practice underway in the social sciences more generally, gaining a fuller understanding of DFID’s position on informal actors and the civil war required more than an analysis of discursive policy, but also an examination of DFID’s programmatic *practice*.<sup>53</sup> This required an abandonment of neat, rationalised policy statements and an engagement with the overwhelmingly pragmatic and often *ad hoc* manner in which decisions were made on the

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<sup>50</sup> Barney G. Glaser and Anselm L. Strauss, *The Discovery of Grounded Theory: Strategies for qualitative research*, (Hawthorne, NY: Aldine de Gruyter, 1967), 1-4.

<sup>51</sup> Ibid.

<sup>52</sup> Ted Hopf, *Social Construction of International Politics* (London: Cornell University Press, 2002), 29.

<sup>53</sup> For instance, see Vincent Pouliot, “The Logic of Practicality: A Theory of Practice of Security Communities,” *International Organisation* 62 (Spring 2008): 257-288.

ground. I do not, therefore, attempt to ascribe to these practices any more rationalising or forethought than was indicated by those describing the practices themselves. As Vincent Pouliot notes, '[o]ne cannot impute to practitioners a theoretical perspective that is made possible by looking at social action backward and from above.'<sup>54</sup> The emphasis on practice, rather, aims to illuminate the lack of conscious theorising in aspects of DFID's operations. While the thesis aims to build a picture of how DFID views the conflict in Sierra Leone and subsequently rationalises its SSR efforts, this in no way suggests that this view was a consciously orchestrated one. Rather, practices develop according to policy only to a certain extent, and are also influenced by a host of other factors. Fieldwork was thus conducted to ensure sufficient weight was given to the more influential 'logic of practicality.'<sup>55</sup>

I conducted 42 interviews in the United Kingdom and Sierra Leone with approximately 60 people including DFID staff and consultants, academics, government, civil society and security sector representatives, chiefs, police officers, former-combatants on all sides of the conflict in Sierra Leone (particularly the RUF), a High Court Justice and numerous trade association members. The aim was twofold: to gain an understanding of how Sierra Leoneans access policing and justice services and to examine how DFID's SSR programme took place on the ground. Conducting interviews with both reformers and those that the reforms impacted allowed me to observe the reforms underway, as well as to understand why certain actions were undertaken and what impact these reforms had on the experience of security in Sierra Leone. These interviews were semi-structured in nature, allowing respondents the opportunity to pursue their own stories or topics of interest and affording me a broader picture than my own research agenda would otherwise have elicited. The interviewee net was cast broadly, providing a wide view of security provision in Sierra Leone (for instance, through interviews with trade associations that provide 'in-house' policing and justice functions) and DFID programmes that have not been used as a case study within the thesis. While not all of this material could take centre stage within the thesis, the wider perspective allowed me to contextualise the research and 'snowball' interviews that were not immediately relevant into others that were. These interviews complemented my secondary source research, providing an account of war and security in Sierra Leone informed by lived experiences of those who participated in the war and those who led programmes afterwards to prevent it from happening again.

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<sup>54</sup> Ibid, 262.

<sup>55</sup> Ibid.

The combination of policy analysis and semi-structured interviews undertaken has allowed for triangulation with the secondary source material, and also imbued the research project with greater depth, attentive to both discourse and practice. The practices examined through fieldwork (and set out in chapters two, three and four) act as a check on DFID's policy narratives, determining the consistency of DFID's approach to the informal across the policy-practice divide. Furthermore, examination of practices through the case studies serves to reveal the practical problems of security provision that result from DFID's lack of engagement with informal security actors.

The argument therefore builds foremost upon experiences recounted in interviews, and these are supplemented with my own analysis of the situation. In applying my own analysis of the findings here, some normative assessments are unavoidable. These normative assessments are as light as possible, privileging the experiences of those who live with the issues that this thesis addresses. However, where they do arise, my own assessments attempt to balance a commitment to human rights with a respect for cultural expression. I reject the ethnocentric presumption that the content or spirit of human rights is fundamentally a Western concept, although their articulation as we know them in international treaty law of course is. There is nothing 'Western' about the desire for all women to live a healthy and safe life, or the belief that people should be treated equally. While the most prominent articulations of these ideas might, to a Western audience, be represented in the Universal Declaration of Human Rights, non-Western concepts, such as *ubuntu* or Buddhism equally promote messages of equality and justice.<sup>56</sup> Therefore while recognising that my own normative commitments inevitably inform the analysis, there is no reason to view these as defined by cultural difference, any more than by my gender, age, class, or other category.

### **Choice of case studies**

An interest in practice naturally predisposed the thesis towards the utilisation of case studies, allowing for close examination of DFID programmes and security practices in Sierra Leone. The case studies provide a chronicle of such practices and test DFID's ability to engage with informal actors on the ground. In doing so important inconsistencies between policing and justice reform are revealed. These inconsistencies point to a tension within DFID's concept of security itself, central to its SSR efforts, which is also perceptible at the policy level. The

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<sup>56</sup> See for instance Tim Murithi, "A local response to the global human rights standard: The *ubuntu* perspective on human dignity," *Globalisation, Societies and Education* 5, no. 3 (November 2007): 277-286.

differences between the two case studies therefore reveal important observations about DFID's understanding of the nature of security.

Of the vast array of DFID's reform projects in Sierra Leone, policing and justice reform were chosen for examination here primarily due to the high levels of involvement of informal actors within these security roles. It would not be particularly interesting to note that DFID has not engaged with informal military actors in Sierra Leone, simply because there are few informal actors that seek to provide military services. There are, however, a plethora of informal actors operating in judicial and policing capacities, and thus a lack of engagement by DFID with these actors is more surprising and interesting. Policing and justice are also those aspects of security that are most proximate and have most impact on the lives of ordinary citizens, in a manner that military or intelligence security do not. The case studies therefore attempt to deepen the analysis by highlighting that DFID's ability (or inability) to engage with informal security actors is not only manifest in aspects of policy, but also in aspects of practice.

#### *Sierra Leone Police Family Support Units*

The Family Support Units (FSUs), police stations set up at the end of the war to deal specifically with crimes involving women and children, provide an interesting case study for this thesis for four reasons. First, the case study aptly illustrates the argument that the UK has understood the conflict in Sierra Leone in state failure terms, and has thus attempted to rebuild *state* institutions (in this case, the state police), with little to no practical acknowledgement of the important roles played by informal security actors in policing women's behaviour. In this way, the FSU case study allows an investigation, through an examination of the policing services available to women in Sierra Leone, of the ability of DFID's reforms to account for the predominance of informal security actors. Second, the Units deal specifically with women's issues – a social arena in which informal actors, such as chiefs and secret societies, wield substantial authority in a patriarchal society such as Sierra Leone.<sup>57</sup> Given DFID's lack of engagement with informal security actors within a jurisdictional field that sees a high prevalence of these very actors, the issue of engagement is particularly interesting in this case.

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<sup>57</sup> Joe D. Alie, "Reconciliation and Traditional Justice: Tradition-based practices of the Kpaa Mende in Sierra Leone," in *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences*, eds. Luc Huyse and Mark Salter (Stockholm: International Institute for Democracy and Electoral Assistance, 2008), 133.

Third, the FSUs have been held up by the UK as one of the success stories of their SSR programme.<sup>58</sup> They are thus viewed as one of the most successful projects within a SSR programme which is itself claimed to be among the most successful of its kind.<sup>59</sup> In theory then, this project represents the best of the best. This is evidenced by the cooption of the FSU model into Liberian and DRC police reform efforts. The chapter is therefore not critiquing a weak project. Rather, it is evaluating one of the UK's self-proclaimed achievements and pointing to the seemingly overlooked weakness of the Units to engage with informal security actors. The findings are thus more useful than they would be had I chosen a case study from which lessons had already been learned, or which was perceived to have failed. The fact that this programme has been extended to other country contexts also makes the analysis potentially relevant further afield and in future SSR programmes. Finally, the FSUs have not, to date, been analysed in an academic context. Reference to them has occurred only in donor reports, or as an under-examined example of the success of SSR.<sup>60</sup> As a case study the FSUs offer fresh material that has not yet been scrutinised and yet is widely claimed as a success.

#### *The Justice Sector Development Programme's Primary Justice Initiatives*

The primary justice projects<sup>61</sup> of DFID's Justice Sector Development Programme (JSDP) were selected as a contrasting case study to the FSUs. Through the JSDP, DFID has undertaken its most extensive engagement with informal actors, through the customary justice system. This suggests at least some level of recognition and ability on the part of DFID to engage with informal security actors. It would be remiss not to examine the project in which DFID has made the greatest effort to engage the informal. In this way, I am examining the hardest case for my argument and the project that offers the greatest potential for DFID to engage informal security actors. However, despite DFID's laudable engagements with informal actors through the JSDP, these have been limited and at times problematic. Engagement with customary justice has been restricted to *legal* informal actors, excluding more dominant *illegal* informal security actors, such as chiefs and secret societies. Furthermore, reform efforts have focused upon formalising informal practices, such as

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<sup>58</sup> Christopher Stone et al, "Supporting Security, Justice and Development: Lessons for a new era" (London: DFID and Vera Institute of Justice, 2005), 18; Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 94.

<sup>59</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 8.

<sup>60</sup> Ibid; Stone et al, "Supporting Security, Justice and Development"; Gbla, "Security Sector Reform Under International Tutelage", 87; Dr. Trinidad S. Osteria, "Achieving Gender Equality and Equity: Ten Years After the ICPD," Occasional Paper, The Yuchengco Centre, De La Salle University, Manila, [www.dlsu.edu.ph/research/centers/yc/pdf/ocpaper3.pdf](http://www.dlsu.edu.ph/research/centers/yc/pdf/ocpaper3.pdf), accessed 15 July, 2009.

<sup>61</sup> DFID's term for projects that engage with customary, rather than formal, justice functions.



customary law, rather than engaging with informal practices on their own terms. Finally, while the JSDP has gone further than other DFID programmes in engaging informal actors, in relative terms its support has still focused overwhelmingly on state judicial services, with only a fraction of JSDP resources devoted to primary justice. Thus while the JSDP represents a concerted effort to engage informal security actors, the nature of its engagements poses a different set of problems regarding DFID's approach to the informal that require examination.

The JSDP case study also allows for an investigation of how DFID has brought justice reform, a relatively new addition to the SSR toolkit, into its 'joined-up' programming in Sierra Leone. While justice is viewed as a part of security broadly speaking, it is also singled out for unique treatment both in DFID policy and practice, suggesting problematic integration. The case study of the JSDP thus also underscores the tensions inherent within DFID's concept of security itself, suggesting that its reform of the security sector is not as harmonised as the SSR concept implies.

The contrast between the two case studies seeks to demonstrate the implications of DFID's inability to engage with informal security actors, as well as the divergence within DFID's supposedly 'joined-up' SSR programme. Whereas in the FSU case study, engagement with informal actors has been severely limited (which does not appear to have impacted upon the presumed success of the programme and its replication in other peacebuilding contexts), such engagement has been most apparent in the case of justice reform, which has received significantly less plaudits and occupies an uncomfortable position within SSR more broadly. This contrast across policing and justice suggests a potential double standard within SSR that requires examination.

## **Definitions**

Significant concepts within the thesis have sought, as much as possible, to 'follow the actors' and adhere to DFID's own accepted definitions.<sup>62</sup> This is in keeping with the broader methodology that focuses on the experiences of those involved, rather than assessing those experiences according to an external set of criteria or theories. This concomitantly resolves the dilemma that would arise were the thesis attempting to judge DFID's understanding of certain concepts by an external definition that did not accord with their own. To ensure

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<sup>62</sup> Bruno Latour, *Reassembling the Social* (Oxford: Oxford University Press, 2005), 12.

conceptual clarity throughout the thesis, three brief definitional caveats should be made at the outset.

### *Security*

The concept of ‘security’ is central to this thesis and SSR more broadly. Despite the vast literature that has built up around this concept within security studies,<sup>63</sup> its usage here is surprisingly uncontroversial. There is a general agreement amongst SSR actors, and certainly within DFID, that the kind of security that SSR seeks to establish can broadly be understood as human security.<sup>64</sup> Thus, I am not speaking about state security<sup>65</sup> (although, DFID’s SSR implementation is at times suggestive of such a narrow approach) or critical security<sup>66</sup> (although this informs aspects of human security given the changed referent object). Rather, the approach adopted suggests that security:

has for too long been interpreted narrowly: as security of territory from external aggression, or as protection of national interests in foreign policy or as global security from the threat of nuclear holocaust ... Forgotten were the legitimate concerns of ordinary people who sought security in their daily lives.<sup>67</sup>

In focusing on the individual as the security referent, human security aims to ensure freedom from want or fear, and thus encompasses a far broader range of threats than traditional military threat. It includes freedom from want of food, shelter, education and basic healthcare,

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<sup>63</sup> See, for instance, Joseph S. Nye Jr. and Sean M. Lynn-Jones, “International Security Studies: A report of a conference on the state of the field,” *International Security* 12, no. 4 (Spring 1988): 5-27; Barry Buzan, *People, States and Fear* (Chapel Hill: University of North Carolina Press, 1983); Bill McSweeney, *Security, Identity and Interests* (Cambridge: Cambridge University Press, 1999); Keith Krause and Michael C. Williams eds., *Critical Security Studies* (Minneapolis: University of Minnesota Press, 1997); Ken Booth, *Theory of World Security* (Cambridge: Cambridge University Press, 2007).

<sup>64</sup> Derek Poate et al, “Evaluation of DFID Country Programmes: Sierra Leone,” Evaluation Report EV690, September 2008, <http://www.dfid.gov.uk/Documents/publications/evaluation/ev690.pdf>, accessed 8 December, 2009, 60. For more on human security more broadly see Roland Paris, “Human Security: Paradigm Shift or Hot Air,” *International Security* 26, no. 2 (Fall 2001): 87-103; Caroline Thomas and Peter Wilkin eds., *Globalisation, Human Security and the African Experience* (Boulder, CO: Lynne Rienner, 1999); and Lloyd Axworthy, “Human Security and Global Governance: Putting People First,” *Global Governance* 7 (2001): 19-23.

<sup>65</sup> S.M. Walt, “The Renaissance of Security Studies,” *International Studies Quarterly* 35, no. 2 (June 1991): 211-239.

<sup>66</sup> Critical security studies, while not a theory that has attained a definitional consensus, refers broadly to efforts to move away from a static understanding of security, apparent in traditional security and strategic theory which views states as the referent of security and military threats as the objects to be defended against. In contrast, critical security studies places these assumptions at the heart of its analysis, questioning the actors being secured, threats being defended against and political objectives of security. For further reading on critical security studies see Krause and Williams eds., *Critical Security Studies*; Booth, *Theory of World Security*; Columba Peoples and Nick Vaughan-Williams, *Critical Security Studies: An Introduction* (Abingdon: Routledge, 2010).

<sup>67</sup> United Nations Development Programme, “New Dimensions of Human Security,” Human Development Report, 1994, <http://hdr.undp.org/en/reports/global/hdr1994/chapters/>, accessed 15 May, 2010.

as well as freedom from fear of injustice, inequality and oppression.<sup>68</sup> Human security does not aim to simply create a negative peace – characterised by the absence of violence – but rather a positive peace, where the absence of violence is reinforced by individuals secure in their basic rights and necessities. It is this fuller concept of security that DFID refers to and that is utilised throughout the thesis as constituting the ‘security’ component of SSR.

### *Governance*

The term ‘governance’ has produced even larger debates than the concept of security regarding its meaning and scope. Again, the term is used here in the sense that DFID employs it, as ‘describ[ing] ... the way countries and societies manage their affairs politically and the way power and authority are exercised’.<sup>69</sup> Importantly, this definition suggests the notion of governance beyond government – that is, it leaves open the possibility of governance actors being non-state. This adheres to the increasingly accepted sense of the term within the literature on governance.<sup>70</sup> As G. Shabbir Cheema and Dennis Rondinelli explain, ‘government ... [has come] to be seen as only one, albeit important, governance institution.’<sup>71</sup> The challenge for DFID becomes operationalising their broad definition of governance, particularly in relation to SSR where it has tended to take on a far more state-centric approach in practice.

### *Informal*

The final term requiring explication is ‘informal’. The most straightforward explanation of this term, as used within the thesis, is provided by a list of those actors that it is used as a catch-all category to denote. Informal security actors refer to chiefs, secret societies, patron-client relationships, trade associations and any other set of social practices that provide security services (as well as, often, other governance functions) which exist beyond the state. Often in the literature these actors are referred to as ‘traditional authorities’, although this label clearly denotes a smaller segment of informal actors, requiring that they possess some

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<sup>68</sup> Ibid.

<sup>69</sup> DFID, “The Politics of Poverty: Elites, Citizens and States: Findings from ten years of DFID-funded research on Governance and Fragile States 2001–2010,” <http://www.dfid.gov.uk/Documents/publications1/evaluation/plcy-pltcs-dfid-rsch-synth-ppr.pdf>, accessed 5 August, 2010).

<sup>70</sup> See for instance Christian Lund, “Twilight Institutions: Public Authority and Local Politics in Africa,” in *Twilight Institutions*; and Blundo and Le Meur, “An Anthropology of Everyday Governance.”

<sup>71</sup> G. Shabbir Cheema and Dennis A. Rondinelli, “From Government Decentralisation to Decentralised Governance,” in *Decentralising Governance: Emerging Concepts and Practices*, eds. G. Shabbir Cheema and Dennis A. Rondinelli (Washington, DC: Brooking Institute Press, 2007), 2.

claim to ‘tradition’ and usually refers to chiefs, secret societies and elders.<sup>72</sup> ‘Non-state’ is also frequently used and was considered as an alternative,<sup>73</sup> however, this term suggests a stronger binary between the state and informal actors than often exists in practice. As William Reno and Richard Fanthorpe point out, chiefs and big men are frequently linked to the state in important ways, obscuring any neat distinction between them.<sup>74</sup> Whilst ‘informal’ also suggests more of a binary between the formal and informal than is perhaps ideal,<sup>75</sup> it is probably the most utilised term in the literature and is also DFID’s preferred term in policy documents.<sup>76</sup> Furthermore, those writing specifically on SSR refer to informal actors when denoting the kinds of actors that this thesis deals with.<sup>77</sup> The term is thus employed here, while recognising the slight exaggeration of a neat separation between formal and informal actors. Where relevant, the overlap between the formal and informal will be acknowledged. With these definitional caveats in mind, the thesis proceeds as follows.

## **Plan of the thesis**

Chapter one sets out DFID’s perspective on the causes of war and its rationalisation of its subsequent SSR response. It provides an examination of the political context in the United Kingdom, and surrounding DFID in particular that facilitated the emergence of SSR and British intervention in Sierra Leone. Examining the context in which DFID has engaged in Sierra Leone provides insight into the organisation’s understanding of the causes of war and its subsequent rationalisation of its post-conflict response. These narratives are interesting and important because they provide clues as to why policies and programmes have developed in a particular manner. DFID’s approach to SSR in post-conflict Sierra Leone thus sheds light upon its lack of engagement with informal security actors. The organisation’s implicit understanding of the causes of war is seen to revolve around state failure and the security-development nexus. As a result, SSR is deployed to strengthen the capacity of the *state* to provide security, which it is believed will form a stable foundation for development.

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<sup>72</sup> Kyed and Buur, “Introduction.”

<sup>73</sup> Bruce Baker, “Nonstate Providers of Everyday Security in Fragile African States,” in *Fragile States and Insecure People?*, 124.

<sup>74</sup> William Reno, *Warlord Politics and African States* (Boulder, CO: Lynne Rienner, 1998), 117-188; Richard Fanthorpe, “On the Limits of Liberal Peace: Chiefs and Democratic Decentralisation in Post-War Sierra Leone,” *African Affairs* 105, no. 418 (2005): 40.

<sup>75</sup> As Stephen Ellis suggests, the formal and informal realms are substantially more fluid than the terms themselves suggest. See Stephen Ellis, “Conclusion: Africa’s future and the world,” in *Africa Now: People, Policies, Institutions* ed. Stephen Ellis (Oxford: James Currey, 1996), 278.

<sup>76</sup> DFID, *Safety, Security and Accessible Justice: Putting policy into practice* (London: DFID, 2002).

<sup>77</sup> See for instance Sedra, “Afghanistan’s Security Sector”; Scheye, “State-Provided Service, Contracting Out and Non-State Networks.”

Chapter two provides a juxtaposition to the first chapter, setting out a fuller explanation of the causes of conflict that DFID's worldview is only partially able to account for. Through a detailed account of the roles played by chiefs in Sierra Leone their centrality as governance (and, importantly, security) actors is demonstrated. The chapter reveals how these informal actors also failed to provide effective governance and ultimately social order, contributing to the outbreak of civil war. It is thus suggested that any efforts to comprehensively resolve the causes of conflict must address failures within this informal system, as well as within the state system in order to prove sustainable. Furthermore, given that chiefs and other informal actors often provide policing and judicial services to the majority of Sierra Leoneans, SSR must engage these actors in reforms to fundamentally transform security provision in Sierra Leone. Having established the dominant role played by informal actors in security and governance in Sierra Leone, the chapter returns briefly to re-examine DFID's SSR policy in light of this. While a policy-level evolution towards greater engagement with the informal is detected, particularly in relation to justice reform (as distinct from security sector reform), overwhelmingly the chapter demonstrates limitations within DFID's approach to the causes of conflict and SSR that inhibit the effectiveness of the SSR programme in Sierra Leone.

The case studies in chapters three and four build upon the earlier conceptual chapters by examining whether engagement with informal actors has been more successful at the level of practice, and thus whether the discrepancies pointed to in the second chapter are of consequence. Each case study chapter starts by embedding the need for reforms in the history of dual formal/informal policing and justice systems. These histories demonstrate the longevity of a two-tiered security system, as well as the need for reform at both tiers. Chapter three provides a case study of DFID's police reform programme and specifically the Family Support Units within it. In attempting to provide improved policing for women in post-conflict Sierra Leone, DFID seems unable or unwilling to engage with informal security providers, despite the predominant role played by such actors in relation to policing and their more accessible service. Chiefs and secret societies thus continue to provide harmful policing to women. Without engaging these actors, FSU services are limited to urban, educated women and thus cannot transform policing for the majority of women nationwide.

The case study in chapter four examines the primary justice projects of the Justice Sector Development Programme. Here, the most success of engaging informal actors can be found. Yet whilst DFID's efforts to engage with the customary justice system are laudable,

limitations still exist. The JSDP engages only with legal informal actors, thus overlooking the more utilised illegal informal actors, and seeks overwhelmingly to formalise informal practices, for example through codification of customary law. Such an approach to informal justice misses crucial opportunities for more widespread and genuine change that could have a lasting impact on the administration and quality of justice in Sierra Leone.

Finally, the fifth chapter turns to the question of why DFID is seemingly unable to engage with informal security actors in its SSR programme. The argument of the chapter focuses on the organisational and political nature of DFID itself and the challenges that these characteristics pose to engagement with actors operating within different organisational and political logics. These characteristics can also be seen to facilitate a view of the causes of war in Sierra Leone as rooted in state failure. DFID's liberal and bureaucratic nature thus makes certain worldviews more or less possible, influencing the kinds of programming that the organisation promotes. This nature also raises larger questions about DFID's ability to engage in security-related programming, which frequently involves dealing with actors outside of the organisations usual operating procedures. If DFID is unable to overcome these constraints, its involvement in SSR and other security-related development tasks needs to be fundamentally reconsidered.

Effective SSR requires the ability to comprehensively address the causes of conflict and sustainably transform the nature of security provision in a host country. In Sierra Leone, both these goals require engaging with and reforming informal security actors, who constitute the dominant providers of policing and justice for the majority of Sierra Leoneans. If DFID is unable to achieve these goals due to its bureaucratic and political commitments, limiting its ability to engage with informal actors, then its effectiveness as a leading SSR programmer must be questioned. In examining DFID's ability to engage with informal security actors through policing and justice reform programmes in Sierra Leone, and providing reasons for their limited success in doing so, this thesis provides important analysis for future SSR programmes that can build upon DFID's achievements to ensure better security outcomes for the world's most vulnerable communities.

# 1

## **The United Kingdom's 'African Albatross'<sup>1</sup>: DFID's Policy on Sierra Leone**

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As the Berlin Wall was falling and the threat of nuclear confrontation between the superpowers receding, providing space on the security agenda for threats of a more non-traditional nature, a seemingly unconnected group of politically disgruntled men in Sierra Leone were planning to topple the government of Joseph Saidu Momoh. Little did those involved in either context know that the actions of those in Sierra Leone would come to represent the archetypal 'new war' of the 1990s and contribute to the precipitation of not only new understandings of security, but also new approaches to development and peacebuilding. The impact of Sierra Leone upon security and development discourse has in no small way been facilitated by the United Kingdom's extensive engagement with its former colony and protectorate. In conducting the first comprehensive security sector reform (SSR) programme in Sierra Leone, Britain (and in particular DFID, as the lead agency) altered the mandate of the development industry and opened up the field of security to development specialists.

This chapter seeks to examine the wider political environment that enabled an innovative security-development strategy to emerge in Sierra Leone and the DFID policies underpinning it. In doing so it highlights the state-centric nature of the UK's DFID-led security sector reform programme. A narrative of the broader political trends underway internationally and in Britain helps to explain DFID's identity and how such an unconventional development programme was possible in a geopolitically insignificant country like Sierra Leone. This is followed by a more in-depth analysis of DFID policy regarding the conflict in Sierra Leone, revealing how a particular understanding of the causes of war led to a rationalisation of state-focused SSR. DFID policy is demonstrated to provide a unified and comprehensive account of peace, war, security and development through state-centred SSR. This chapter sets out the international and domestic environments that shaped DFID and how these led the Department to rationalise the war in Sierra Leone in a particular manner, justifying SSR. It serves to present DFID's policy on Sierra Leone on its own terms – as a neat and logical argument, not yet complicated by the messier interpretation of events set out in chapter two. The chapter therefore analyses the evolution of DFID and its policy that enabled the state-centric SSR framework that the remainder of this thesis critiques.

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<sup>1</sup> Title taken from Michael Binyon, "Labour's expensive African albatross," *The Times*, 8 May, 2000.

This investigation first examines the background to the conflict in Sierra Leone in order to understand the climate in which DFID policy was formulated. Second, it discusses the broader international and domestic context within which UK policy towards Africa, generally, and Sierra Leone in particular were nested, in order to illustrate the environment into which DFID was born and which thus influenced it. Against this backdrop, the third section of this chapter will draw upon DFID policy documents and interviews to demonstrate dominant narratives that emerge regarding the causes of conflict in Sierra Leone. These narratives were the policy manifestation of the wider context in which DFID itself was established. Their particular understanding of the causes of war, in turn, leads DFID to particular forms of engagement in Sierra Leone. DFID policy surrounding this engagement is overwhelmingly state-centric, supporting a dominant theme in the policy literature that state failure was the root of the war in Sierra Leone. As a whole, the chapter will sketch a narrative of events, trends and concepts that link together to explain how DFID policy has conceptualised the conflict in Sierra Leone, and rationalised a state-centric SSR programme as the appropriate treatment to Sierra Leone's longstanding ills. It demonstrates that the manner in which a conflict is understood has important implications for how responses are formulated.

### **A Dirty War in West Africa<sup>2</sup>**

In March 1991 a group of predominantly Sierra Leonean (but also Liberian, Guinean and Burkinabe) irregulars calling themselves the Revolutionary United Front (RUF) launched a cross-border assault from Liberia into Kailahun and Pujehun Districts in eastern and southern Sierra Leone.<sup>3</sup> They were assisted by special forces from the National Patriotic Front of Liberia (NPFL), led by Charles Taylor (the warlord, Liberian president and international war criminal).<sup>4</sup> Key members of the RUF had connections to Libyan leader Muammar al-Qaddafi, having been involved in Green Book<sup>5</sup> reading groups at Sierra Leonean university campuses

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<sup>2</sup> Title taken from Lansana Gberie, *A Dirty War in West Africa: The RUF and the Destruction of Sierra Leone* (London: C. Hurst, 2005).

<sup>3</sup> Joe Alie, "The Kamajor Militia in Sierra Leone: Liberators or Nihilists?," in *Civil Militia: Africa's Intractable Security Menace*, ed. David J. Francis (Aldershot: Ashgate, 2005), 51.

<sup>4</sup> Taylor supported the overthrow of President Momoh who had allowed the Economic Community of West African States Monitoring Group (ECOMOG) to use a Sierra Leonean airport as a base from which to launch bombers targeting NPFL territory in Liberia. Paul Richards, *Fighting for the Rainforest: War, Youth and Resources in Sierra Leone* (Oxford: James Currey, 1996), 4; Michael S. Kargbo, *British Foreign Policy and the Conflict in Sierra Leone* (Bern: Peter Lang, 2006), 15; Paul Williams, "Fighting for Freetown: British Military Intervention in Sierra Leone," *Contemporary Security Policy* 22, no. 3 (2001): 145.

<sup>5</sup> The Green Book was written by Libyan leader [Muammar al-Qaddafi](#) in 1975 and promotes alternative conceptions of democracy and political philosophy to Western liberal models. The books (a series of three) formed the basis of Qaddafi's Libyan cultural revolution and have been circulated widely throughout the developing world.



and receiving guerrilla training in Benghazi, Libya in the 1980s.<sup>6</sup> The stated aim of the RUF was to overthrow the corrupt government of President Joseph Momoh who, along with his cronies, was manipulating patrimonial networks to extract a personal profit from the country, crippling the economic prospects for the majority of non-elite<sup>7</sup> Sierra Leoneans.<sup>8</sup> Such a movement should have attracted the support of the general population, as the corruption and poor governance that the RUF claimed to be fighting against robbed the majority of citizens of opportunities and wellbeing.<sup>9</sup> However the RUF miscalculated the people's willingness to accept gross violence against government officials, chiefs and the general population, and the rebels thus quickly lost the backing of their would-be support base.<sup>10</sup> As a result, the RUF lacked legitimacy that could have transformed them into a broader-based popular movement.

The state responded to the threat posed by the RUF by deploying the poorly paid and trained Sierra Leone Army (SLA) to counter the rebel's increasingly violent onslaught. However, the SLA proved just as susceptible to the lure of loot and diamond access that the RUF boasted, particularly after their enlargement by the National Provisional Ruling Council (NPRC) regime.<sup>11</sup> The soldier/rebel or 'sobel' phenomenon came to signify the overlap between the ostensibly opposed soldier and rebel forces.<sup>12</sup> As a result of the weakness of Sierra Leone's state structure, manifested clearly in the inability and/or unwillingness of the SLA to protect

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<sup>6</sup> Kargbo, *British Foreign Policy and the Conflict in Sierra Leone*, 22; Paul Richards, "Green Book Millenarians? The Sierra Leone War within the Perspective of an Anthropology of Religion," in *Religion and African Civil Wars*, ed. Neils Kastfelt (London: Hurst & Co, 2005), 119-146; Author interview with Members A, Promoters of Peace and Justice Freetown, 16 February 2009. The Promoters of Peace and Justice are a Sierra Leonean non-government organisation founded by former RUF and West Side Boys rebels to promote peace, reconciliation and justice in post-war Sierra Leone through non-violent means. Their membership, whilst predominantly former-rebels, also contains former Community Defence Force fighters and civilians.

<sup>7</sup> Elites can be defined as 'groups of people who are able to act singly or in concert, so as to affect national outcomes substantially and regularly.' Stephen Ellis, "Conclusion: Africa's future and the world", in *Africa Now: People, Policies, Institutions*, ed. Stephen Ellis (Oxford: James Currey, 1996), 263.

<sup>8</sup> A significant literature has emerged on the causes of the Sierra Leonean civil war. Whilst the well-publicised arguments offering mono-causal explanations of the war as motivated by greed or inherent barbarism have largely been discredited, debate remains over the motivations of the RUF. For an overview of the arguments see Kargbo, *British Foreign Policy and the Conflict in Sierra Leone*, 18-31. Key contributors to the debate include: Robert Kaplan, "The Coming Anarchy", *Atlantic Monthly* (February 1994); Paul Collier, "Economic Causes of Civil Conflict and Their Implications for Policy", in *Turbulent Peace: The challenge of managing international conflict*, eds. Chester A. Crocker, Fen Osler Hampson and Pamela Aall (Washington, DC: United States Institute of Peace, 2001); Richards, *Fighting for the Rainforest*; Ibrahim Abdullah ed., *Between Democracy and Terror: The Sierra Leone Civil War* (Dakar: CODESRIA, 2004); and Gberie, *A Dirty War in West Africa*.

<sup>9</sup> Andrew M. Dorman, *Blair's successful war: British military intervention in Sierra Leone* (Farnham: Ashgate, 2009), 37.

<sup>10</sup> Krijn Peters and Paul Richards, "Why we Fight: Voices of youth combatants in Sierra Leone," *Africa* 68, no. 2 (1998): 200. For a detailed examination of how the RUF's change of tactics led to a loss of popular support see Paul Richards, "Agrarian Underpinnings of the Sierra Leone Conflict," in *Violence, Political Culture and Development in Africa*, ed. Preben Kaarsholm (Oxford: James Currey, 2006).

<sup>11</sup> Peters and Richards, "Why we Fight," 184.

<sup>12</sup> Williams, "Fighting for Freetown," 144.

the civilian population, communities formed their own civil defence forces (CDFs), thus further complicating the matrix of fighting factions in the conflict. These irregular forces drew, to some extent, upon the practices of secret societies, traditionally the forums for male and female initiation in Sierra Leone and West Africa more broadly.<sup>13</sup> The CDFs used traditional medicine, as well as weaponry endowed with spiritual powers to protect and wound.<sup>14</sup> Whilst they have been held up, within Sierra Leonean society at least, as the most legitimate of the fighting forces, not even the CDFs emerged on the other side of the war without charges (and later convictions) of war crimes.<sup>15</sup> All groups were involved in the recruitment of child soldiers and the use of drugs including marijuana, crack cocaine and amphetamines (often mixed with gunpowder to create *brown brown*) to prepare troops for battle.<sup>16</sup> Children were particularly favoured as recruits by the RUF because of their literacy skills, which allowed the RUF to convey orders and leave messages in towns they attacked promoting their message.<sup>17</sup>

Whilst these various factions fought, protected, raped, kidnapped, forcibly recruited and mutilated the Sierra Leonean population, including a large number of children, the scope of Sierra Leonean politics also changed, with a proliferation of contesting factions. In 1992 a young, disgruntled SLA soldier, Captain Valentine Strasser, who had been fighting in Kailahun district arrived in Freetown with a small group of comrades to demand that President Momoh ensure better conditions for the fighting forces.<sup>18</sup> The President, on hearing of the soldiers' arrival, fled Sierra Leone to Guinea, leaving Strasser to assume the presidency, with his band of soldiers forming the National Provisional Ruling Council (NPRC). Unable to repel the RUF and recognising the weakness of the state, Strasser increased the size of the army from 2,500 to 15,000 in 1995 and hired the South African

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<sup>13</sup> Caspar Fithen and Paul Richards, "Making War, Crafting Peace," in *No War No Peace*, ed. Paul Richards (Oxford: James Currey, 2005), 128.

<sup>14</sup> Peters and Richards, "Why we Fight," 185; Stephen Ellis, *The Mask of Anarchy: The Destruction of Liberia and the religious dimensions of an African civil war* (London: Hurst & Co, 1999), 260-265.

<sup>15</sup> Samuel Hinga Norman, Moinina Fofana and Allieu Kondewa of the CDFs were indicted and charged with war crimes, crimes against humanity and other serious violations of international humanitarian law in 2003. Fofana and Kondewa were convicted in 2007 and, after appeals, are serving 15 and 20 year prison terms respectively. Hinga Norman died in custody in February 2007 before judgment was handed down. See The Special Court for Sierra Leone, "Cases: Prosecutor vs. Fofana and Kondewa (CDF Case)," <http://www.scl.org/CASES/ProsecutorvsFofanaandKondewaCDFCase/tabid/104/Default.aspx>, accessed 19 April, 2010. For a fascinating examination of the politics and controversy surrounding the CDF trial, see Danny Hoffman, "The meaning of a militia: Understanding the civil defence forces of Sierra Leone," *African Affairs* 106, no. 425 (2007): 639-662.

<sup>16</sup> Peters and Richards, "Why we Fight," 186; 188.

<sup>17</sup> Ibid, 188; 195.

<sup>18</sup> David Keen, *Conflict and Collusion in Sierra Leone* (Oxford: James Currey, 2005), 93-94.

private security company, Executive Outcomes (paid in mining concessions) to push the rebels back from mining areas.<sup>19</sup> The newly enlarged army of untrained recruits became increasingly difficult to control, committing abuses and making little headway in repelling the RUF. By the mid-1990s, Strasser and the NPRC came under strong pressure from the international community to hold the country's first elections since 1967 (Momoh had only brought one-party rule, instituted by his predecessor Siaka Stevens in 1978, to an end in late-1991 with a new constitution). The atmosphere in the lead up to elections was threatened by an internal coup, in which Strasser was ousted by his NPRC colleague, Julius Maada Bio.<sup>20</sup> Elections, however, went ahead as planned and saw Ahmad Tehjan Kabbah, a former UN bureaucrat, assume the presidency in 1996 and enter into a peace accord with the RUF later that year.<sup>21</sup> Democratic legitimacy, however, did not ensure stability in the country. By 1997, the peace accord was in tatters, with continued RUF fighting. Kabbah was also suspicious of the SLA, given their support for the former NPRC government, and sidelined them in negotiations.<sup>22</sup> Support was given instead to building up the CDFs, numbering between 15,000 and 25,000. Inevitably, this favouritism created resentment within the army and another coup was carried out in May 1997 by Major Johnny Paul Koroma and the Armed Forces Revolutionary Council (AFRC), forcing Kabbah into exile in neighbouring Guinea.<sup>23</sup> The AFRC invited the RUF to join the new government, surprising many and resulting in Sierra Leone being suspended from the Commonwealth and the United Nations imposing arms and petroleum embargoes.<sup>24</sup> By 1998, rebel fighting had reached the capital of Freetown, which had hitherto been removed from the violence underway in the provinces. The fragility of the state was blatantly exposed. Nigerian peacekeepers under the auspices of the Economic Community of West African States Monitoring Group (ECOMOG) were deployed to push the rebels back with the help of the *Kamajor* CDF. A British private security company, Sandline International, was also engaged to support pro-Kabbah forces and was involved in the defence of the capital.<sup>25</sup> With the rebels forced out, Kabbah returned to Sierra

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<sup>19</sup> Dorman, *Blair's successful war*, 38-39; Peters and Richards, "Why we Fight," 184.

<sup>20</sup> Keen, *Conflict and Collusion*, 154-155.

<sup>21</sup> Peters and Richards, "Why we Fight," 185.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid, 185-186.

<sup>24</sup> Keen, *Conflict and Collusion*, 212.

<sup>25</sup> This involvement was apparently unknown to the British government at the time (although Peter Penfold, British High Commissioner to Sierra Leone from 1997-2000 and Tim Spicer, head of Sandline International, maintain the Foreign and Commonwealth Office knew about an arms deal between Sandline and the Government of Sierra Leone). This led to the 'arms to Africa' affair in the UK, as the arms deal, involving 30 tonnes of arms and ammunition, violated United Nations Security Council Resolution 1132, forbidding arms sales to any participant in the Sierra Leonean conflict. The scandal captured headlines in the UK media for

Leone in 1998 and the United Nations Observer Mission in Sierra Leone (UNOMSIL) was established to monitor disarmament.<sup>26</sup> These victories, however, were short-lived, with the RUF again invading Freetown in January 1999 under ‘Operation No Living Thing’, in which approximately 6,000 people were killed.<sup>27</sup> As a result, the unarmed UN Observer staff were withdrawn.<sup>28</sup> RUF fighters were forced into retreat again by ECOMOG who in the process gained a reputation in Freetown for brutalities of their own.<sup>29</sup> Kabbah was forced by the international community to renew the peace process with RUF leader Foday Sankoh and both parties signed the Lomé Agreement in July 1999.<sup>30</sup> Controversially, the Agreement assured the RUF of legal amnesty and key posts in government, including Sankoh as Minister of Mines.<sup>31</sup> Despite 11,000 United Nations Assistance Mission to Sierra Leone (UNAMSIL) peacekeepers being deployed to enforce the Agreement,<sup>32</sup> it failed when the RUF captured UN peacekeepers and continued attacks and moves towards Freetown in 2000.<sup>33</sup> On 7 May, approximately 700 British paratroopers, supported by 800 Royal Marine commandoes were deployed to Sierra Leone, ostensibly to evacuate British nationals, but ultimately also to

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several weeks and was key in raising the profile of Sierra Leone in Britain. The debacle led to internal FCO investigations and the Legg Inquiry, which absolved ministers and the FCO of breaking international law, but suggested communication channels within the FCO should have been better. Ultimately, Prime Minister Blair maintained that even if such actions *did* constitute a breach of the UN resolution, the ends of restoring a democratically elected government justified the means. For a more detailed examination of the incident see Kargbo, *British Foreign Policy and the Conflict in Sierra Leone*, 277; Andrew Rawnsley, *Servants of the People: The Inside Story of New Labour* (London: Hamish Hamilton, 2000), 176-184; Rita Abrahamsen and Paul Williams, “Ethics and Foreign Policy: the Antinomies of New Labour’s ‘Third Way’ in sub-Saharan Africa,” *Political Studies* 49 (2001): 252; John Kampfner, *Blair’s Wars* (London: The Free Press, 2003), 68; and Craig Murray, *The Catholic Orangemen of Togo and other Conflicts I have Known* (London: Atholl, 2009), 19-28; 39-72.

<sup>26</sup> Tanja Schümer, *The New Humanitarianism: Britain and Sierra Leone, 1997-2003* (London: Palgrave Macmillan, 2008), 59.

<sup>27</sup> This invasion formed the basis of the award-winning documentary by Sorious Samura, *Cry Freetown*.

<sup>28</sup> Schümer, *New Humanitarianism*, 59.

<sup>29</sup> *Ibid*, 71-72.

<sup>30</sup> This was largely at the insistence of the United Nations, UK and Nigeria, who realised that the RUF could not easily be defeated militarily and that conflict might thus only be ended through a negotiated settlement. Kargbo, *British Foreign Policy and the Conflict in Sierra Leone*, 288. For a first-hand account of the Lomé negotiations see Murray, *The Catholic Orangemen of Togo*, 39-72.

<sup>31</sup> Debate remains over the implications of this title. While most of the literature points to an overtly greed-driven agenda on the part of Sankoh in seeking to be in charge of the very industry often imputed as the cause of the war (see, for instance, Collier, “Economic Causes of Civil Conflict and their Implication for Policy,” 5; and Williams, “Fighting for Freetown,” 147), Krijn Peters argues that Sankoh ‘only ever asked for (and received, as a result of the Lomé negotiations 1999) the chairmanship of a newly formed national minerals authority (demanded by the RUF to ensure transparency in mining deals by the government). This post had attached to it protocol status equivalent to vice-president.’ (see Krijn Peters, “Footpaths to Reintegration: Armed Conflict, Youth and the Rural Crisis in Sierra Leone,” (PhD diss., Wageningen University, 2006), 6-7). For more on this issue see discussion in Kargbo, *British Foreign Policy and the Conflict in Sierra Leone*, 18-19; 289-291.

<sup>32</sup> There were, however, problems transforming troop commitments into troops on the ground. Thus, in reality, the number of troops was substantially lower than this.

<sup>33</sup> Dorman, *Blair’s Successful War*, 26.

support UN and ECOMOG peacekeeping forces.<sup>34</sup> A combination of Nigerian, UN and British forces eventually succeeded in driving the rebels from the capital for the final time and capturing rebel leader Foday Sankoh. UNAMSIL forces were later increased to a strength of 17,500 – the largest United Nations peacekeeping deployment in the world at the time.<sup>35</sup> Fighting across the rest of the country continued between rebels and peacekeeping forces until March 2001. In May of that year the disarmament process began, led by the UK and the UN. Notably for the British, in August 2000 11 soldiers from the Royal Irish Regiment were taken hostage by the West Side Boys, a renegade militia in Sierra Leone.<sup>36</sup> Operation Barras, launched in September, was successful in rescuing the men, although one British soldier and 25 West Side Boys were killed.<sup>37</sup> The war was officially declared over in January 2002. Elections were held in May 2002, with Kabbah re-elected as President and his SLPP party attaining a resounding majority of 83 of 112 seats.<sup>38</sup> The RUF political party won no seats and received just 1.7 per cent of the national vote.<sup>39</sup>

The costs of Sierra Leone's 11-year civil war were substantial, resulting in between 75,000 – 200,000 deaths,<sup>40</sup> 12,000 amputee survivors,<sup>41</sup> 2 million displaced people,<sup>42</sup> 72,500 demobilised combatants (including 7,000 children), 42,300 weapons and 1.2 million pieces of ammunition collected and 17,500 UN peacekeepers deployed.<sup>43</sup> This devastation prompted, and the massive international response reflected, innovations in development and security discourse, most noticeable in British development, foreign and defence policy. This is apparent in the status that post-conflict peacebuilding efforts in Sierra Leone have attained as an archetypal case of new ways of operating in complex emergencies.<sup>44</sup> Such innovations did not, however, occur in a vacuum and a sea-change in international thinking on how best to approach development, as well as shifting ideational sands within UK government structures

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<sup>34</sup> Ibid, 27; Kargbo, *British Foreign Policy and the Conflict in Sierra Leone*, 302; Kampfner, *Blair's Wars*, 70.

<sup>35</sup> Schümer, *New Humanitarianism*, 59.

<sup>36</sup> Kampfner, *Blair's Wars*, 71-72.

<sup>37</sup> Ibid, 72.

<sup>38</sup> Dorman, *Blair's Successful War*, 123.

<sup>39</sup> Schümer, *New Humanitarianism*, 60.

<sup>40</sup> Ibid, 55.

<sup>41</sup> Countless more (the number is unknown) died from their injuries. Murray, *The Catholic Orangemen of Togo*, 13.

<sup>42</sup> DFID, FCO and MoD, "Security Sector Reform Policy Brief" (DFID, FCO, MoD: London, November 2003), 15; BBC News, "Sierra Leone: Worse than Kosovo?," 3 July, 1999, [http://news.bbc.co.uk/1/hi/programmes/from\\_our\\_own\\_correspondent/383985.stm](http://news.bbc.co.uk/1/hi/programmes/from_our_own_correspondent/383985.stm), accessed 7 November, 2008.

<sup>43</sup> United Nations Disarmament Demobilisation and Reintegration Resource Centre, "Country Programme: Sierra Leone," <http://www.unddr.org/countryprogrammes.php?c=60>, accessed 7 November, 2008.

<sup>44</sup> 'Funmi Olonisakin, *Peacekeeping in Sierra Leone: The story of UNAMSIL* (Boulder, CO: Lynne Rienner, 2008), 1-3.

and commitments from key stakeholders provided fertile soil for the transformations to come. These international and domestic factors provided the context in which change was possible, and shall be examined in more detail below to explain the manner in which DFID came to engage with Africa, and Sierra Leone specifically. The separation of this discussion into international and national stimuli is for heuristic purposes only. Inevitably, these levels were strongly influenced by and intertwined with each other and only through their interplay, could the resultant policies have come about.

### **Changing International Times: Aid, Development and Security**

Aid policy throughout the 1980s and early 1990s had focused upon reforming fiscal policies within developing states through structural adjustment programmes that de-emphasised the role of the state. These programmes promoted austerity measures and the liberal, free-market economic agenda, which would supposedly lure foreign investment and thus promote development. Yet by the end of the decade, little (if any) progress had been made. As James Ferguson notes:

The idea that deregulation and privatisation would prove a panacea for African economic stagnation was a dangerous and destructive illusion. Instead of economic recovery, the structural-adjustment era has seen the lowest rates of economic growth ever recorded in Africa (actually negative, in many cases), along with increasing inequality and marginalisation.<sup>45</sup>

New thinking was needed to legitimate national aid budgets and turn this deepening poverty around.<sup>46</sup> Opportunities were to be found in the space that opened up for non-traditional security thinking at the close of the Cold War.<sup>47</sup> With a nuclear stand-off between the United States and the Soviet Union no longer dominating security agendas, defence establishments (still wielding their Cold War-inflated budgets) began to look elsewhere for the threats of the 1990s. These were to be found in the symptoms of the conflicts that were beginning to creep through the developing world: civil war in Somalia, Liberia and Sierra Leone; and genocide in Rwanda and Bosnia. Poverty, disease, inequality and resource scarcity came to be seen as the agitating factors that fractured countries, often along supposedly ethnic lines.<sup>48</sup> Media

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<sup>45</sup> James Ferguson, *Global Shadows: Africa in the Neoliberal World Order* (London: Duke University Press, 2006), 11.

<sup>46</sup> Tom Porteous, "British Government Policy in sub-Saharan Africa Under New Labour," *International Affairs* 81, no. 2 (2005): 282.

<sup>47</sup> Nicholas Waddell, "Ties that Bind: DFID and the Emerging Security and Development Agenda," *Conflict, Security and Development* 6, no. 4 (December 2006): 535.

<sup>48</sup> Susan Willett, "New Barbarians at the Gate: Losing the Liberal Peace in Africa," *Review of African Political Economy* 32, no. 106 (December 2005): 576.

coverage of these conflicts brought ‘barbaric’ fighting with machetes and hand-to-hand combat (in fact just cheaper and more accessible than high technological warfare) into the living rooms of an increasingly militarily-idle West. The imperative to ‘do something’ was, at times, strong and international peacekeeping missions were able to be deployed in the name of human suffering by a newly unbound Security Council. The non-traditional instigating factors of these conflicts thus ascended the international security agenda as new major threats.<sup>49</sup>

Correlated to this change in threat perception, the very understanding of security also began to shift towards an increased focus on development. The human security agenda, which arose throughout the 1990s (its most emphatic enunciation in the United Nations Development Programme’s 1994 Human Development Report), considered a variety of non-military variables as intrinsic to the security of the individual (in place of, or alongside, the state).<sup>50</sup> Rather than merely being concerned with state security from external military threats, human security propounded the idea that an individual’s security also needed to consider their freedom from hunger, disease and oppression and rights to education, healthcare and opportunity.<sup>51</sup> This expansion of the security agenda ‘heralded certain versions of security that were much more conducive to integration with development concerns.’<sup>52</sup> As development and security became more closely aligned, a dramatic shift in the nature of aid operations also took place. Susan Willett points out:

development practice moved from simply funding humanitarian programmes that sought to provide protection and relief to the civilian victims of war, to influencing aid recipient countries’ military expenditure allocations through peace conditionality, to directly transforming security institutions under the rubric of good governance, so as to ensure a secure environment for market-based development.<sup>53</sup>

Thus, security policy was broadening its scope to prioritise traditional development concerns on the threat agenda, while at the same time development policy was recognising security concerns as major obstacles to progress, and therefore as legitimate areas for aid

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<sup>49</sup> Simon Dalby, “Contesting an essential concept: Reading the dilemmas in contemporary security discourse,” in *Critical Security Studies: Cases and Concepts*, eds. Keith Krause and Michael C. Williams (London: UCL Press, 1997), 3-5.

<sup>50</sup> United Nations Development Programme, “New Dimensions of Human Security,” Human Development Report, 1994, <http://hdr.undp.org/en/reports/global/hdr1994/chapters/>, accessed 15 May, 2010.

<sup>51</sup> Amartya Sen, “Why Human Security?,” International Symposium on Human Security, 28 July, 2000 <http://www.humansecurity-chs.org/activities/outreach/Sen2000.pdf>, accessed 15 May, 2010.

<sup>52</sup> Waddell, “Ties that Bind,” 535.

<sup>53</sup> Willett, “New Barbarians at the Gate,” 576.

engagement.<sup>54</sup> This more proximate relationship between security and development would later prove crucial for DFID's engagement with Sierra Leone. International events continued to justify the newfound complementarity between security and development. For instance, population flows from conflict zones created a fear in the West of being overwhelmed by the threats of crime and disease that supposedly attended such populations.<sup>55</sup> Borders were rendered increasingly permeable by the new threats, simultaneously creating security and development concerns. These trends were cemented and retrospectively legitimated by another event that epitomised the context in which the UK, as well as other countries, crafted their security and development policy.

The 11 September 2001 terrorist attacks on the United States profoundly influenced security and development policy making. The attacks brought home that not only were the new threats of underdevelopment and its associated symptoms of state failure threatening to those who experienced them in far off, developing countries – they were also threatening to the security of the West.<sup>56</sup> As stated in the G8's Africa Action Plan:

Poverty, underdevelopment and fragile states create fertile conditions for violent conflict and the emergence of new security threats, including international crime and terrorism. There will be no lasting security without development and no effective development without security and stability.<sup>57</sup>

The UN High Level Panel on Threats, Challenges and Change also makes the point in its report entitled, 'A More Secure World: Our Shared Responsibility':

Development is the first line of defence for a collective security system that takes prevention seriously. Combating poverty will not only save millions of lives, but will also strengthen states' capacities to combat terrorism, organised crime and proliferation. Development makes everyone more secure.<sup>58</sup>

The United Kingdom, in particular, displayed its adherence to this perspective with Foreign Secretary Jack Straw stating in a speech in 2002 that 'as well as bringing mass murder to the heart of Manhattan, state failure has brought terror and misery to large swathes of the African

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<sup>54</sup> Rocky Williams, "Development Agencies and Security-Sector Restructuring," *Conflict, Security and Development* 2, no. 1 (2002): 145; Mark Duffield, *Development, Security and Unending War* (Cambridge: Polity Press, 2007).

<sup>55</sup> See for instance, Jef Huysmans, *The Politics of Insecurity: Fear, Migration and Asylum in the EU* (London: Routledge, 2006).

<sup>56</sup> Tom Porteous, *Britain in Africa* (London: Zed Books, 2008), 128-129; Waddell, "Ties that Bind," 546.

<sup>57</sup> Quoted in Willett, "New Barbarians at the Gate," 569.

<sup>58</sup> Ibid.



continent, as it did in the Balkans in the early 1990s. And at home it has brought drugs, violence and crime to Britain's streets.'<sup>59</sup> With the realisation that underdevelopment posed a threat not just to those who live with it in their everyday lives, but also to those abstracted from it in the West, efforts to address this threat have been afforded a greater urgency. The recognition that, 'the security of the poor ... [is linked] to the security of the entire world'<sup>60</sup> transforms the manner in which the developing world, where the threat of underdevelopment emanates from, is engaged with by the West.<sup>61</sup> If the human security agenda was the impetus for bringing development and security closer together, then the dominant readings of 9/11 have served to bridge the two concepts in a way that allows them to be increasingly interchangeable at a policy making level. This, Rita Abrahamsen argues, is moving policy as it relates to 'weak or failed states' in Africa into an increasingly securitised mindset:

[it] changes the legitimate modes of engagement with a particular problem. Framed as a development/humanitarian issue, Africa encourages compassion and particular policy responses formulated and implemented primarily by the Department for International Development. Approached as a security issue, by contrast, Africa may encourage fear and unease, and this may in turn potentially facilitate policy responses of a more militarized and illiberal nature, shifting the institutional responsibility toward the FCO and perhaps also the Ministry of Defence.<sup>62</sup>

As a result, the events of 9/11 have cemented the trend of the 1990s: that development and security are increasingly bundled together as mutually dependent concepts that policy cannot neatly separate out. This poses challenges for institutional structures of government, with independent departments traditionally responsible for relatively discrete fields of expertise. It is this, increasingly blurred, international context in which the New Labour government undertook its transformational structural and policy changes in regard to security and development that set the stage for how policy would be formulated in response to the situation in Sierra Leone. This international context can be seen to have had a formative impact on the creation of DFID and the manner in which DFID can think and act.

### **The Domestic Context of the United Kingdom**

British policy towards Sierra Leone changed significantly under Tony Blair's New Labour government. While the Conservative government of John Major had sent a small team of British police officers to Sierra Leone in 1996 to begin appraisals for a police reform

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<sup>59</sup> Quoted in Rita Abrahamsen, "A Breeding Ground for Terrorists?," *Review of African Political Economy* 31, no. 102 (2004): 679.

<sup>60</sup> Waddell, "Ties that Bind," 546.

<sup>61</sup> Willett, "Barbarians at the Gate," 570.

<sup>62</sup> Rita Abrahamsen, "Blair's Africa: The Politics of Securitisation and Fear," *Alternatives* 30, no. 1 (2005): 68.

programme,<sup>63</sup> this gesture had been at the direct request of President Kabbah upon his election.<sup>64</sup> Support for the first democratic government in Sierra Leone since independence was thus provided, but no other political engagement with the former Colony was undertaken. Real shifts in UK development policy, which were central to DFID's engagement in Sierra Leone, began with the election of Blair's Labour government in 1997.

### *DFID is born*

Development policy had been a central component of Blair's 1997 campaign, proposing the establishment of an independent department to oversee British aid. Aid had previously been dealt with by the Overseas Development Agency, a wing of the Foreign and Commonwealth Office (FCO) from 1970 onwards.<sup>65</sup> As the 'softer' side of foreign policy, aid concerns were often trumped by more traditional concerns of trade and arms sales.<sup>66</sup> An independent department, Labour argued, would allow aid to develop its own agenda and momentum, unhindered by hard-nosed and self-interested politics.<sup>67</sup> Consequently, the Department for International Development (DFID) was established in 1997 with a mandate to: 'Lead the UK Government's fight against world poverty.'<sup>68</sup> As Tom Porteous notes, 'with the creation of DFID, development assistance was explicitly untied from the promotion of British commercial interests, and issues related to UK development policy in Africa got a hearing at cabinet level, a more strategic focus and a lot more cash.'<sup>69</sup> DFID's influence was, for a new department, unprecedented with a cabinet-level Secretary of State who was able to argue the Department's case at the highest levels of decision making and thus access greater funding.<sup>70</sup> This funding allowed DFID to commission its own white paper, conduct large-scale recruitment and open country offices throughout Africa and the developing world.<sup>71</sup>

Africa had been a key and long-standing policy area for the Overseas Development Agency

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<sup>63</sup> Author interviews with Keith Biddle, Inspector General of Sierra Leone Police and Head of Commonwealth Community Safety and Security Project, 13 September 2008; and Adrian Horn, Project Manager, Commonwealth Community Safety and Security Project, 10 October 2008.

<sup>64</sup> Ibid; Peter Albrecht and Paul Jackson, *Security System Transformation in Sierra Leone, 1997-2007* (Birmingham: Global Facilitation Network for Security Sector Reform, University of Birmingham, 2009), 29.

<sup>65</sup> DFID, "History," 12 October, 2009, <http://www.dfid.gov.uk/About-DFID/History1/>, accessed 3 May, 2010.

<sup>66</sup> Porteous, "British Government Policy in sub-Saharan Africa," 281-282.

<sup>67</sup> Ibid.

<sup>68</sup> This was DFID's official slogan until late-2009 when it restructured its website and the slogan was removed. The statement still, however, defines the Department's central purpose.

<sup>69</sup> Porteous, "British Government Policy in sub-Saharan Africa," 282.

<sup>70</sup> Ibid.

<sup>71</sup> Porteous, *Britain in Africa*, 131.

and this trend continued within DFID.<sup>72</sup> In view of Britain's minimal commercial and strategic interests in the continent, Africa was one of the more uncontroversial fields of operation for the government's new development apparatus.<sup>73</sup> However, the energies focused on Africa within the newly created DFID were unprecedented (for instance, Africa received its own Conflict Prevention Pool of funding, separate from the Global Conflict Prevention Pool). In part, this was due to the leadership of Clare Short, whose interest in the continent grew throughout her time as Secretary of State for International Development. Short was reportedly greatly affected by her visits to Africa and was very impressed upon meeting Sierra Leonean President Kabbah, who she saw as an illegitimately ousted democratic leader with great potential.<sup>74</sup> In relation to Sierra Leone, Paul Jackson and Peter Albrecht surmise:

the personality of the then Development Secretary, Clare Short cannot be underestimated in terms of developing the political drive to intervene in Sierra Leone. As one UK Government source noted, she was "...almost an elemental force ... she was very, very committed personally – she met Kabbah, and took this upon herself as a kind of personal crusade".<sup>75</sup>

While the new Department was inclined towards engagement with Africa for these more conventional reasons, new and more problematic issues, such as the prevalence of conflict in underdeveloped states also prompted unprecedented engagement.

### *Conflict and Poverty*

With the abovementioned international trends pushing development and security ever closer together, DFID's poverty reduction mandate soon faced the dilemma of how to engage with the issue of conflict, which its own White Paper indicated was inhibiting development in many parts of the world, particularly in Africa.<sup>76</sup> The International Development Act of 2002 (and its predecessor, the Overseas Development and Cooperation Act of 1980) stipulated that DFID may only spend its budget on, 'development assistance which contributes to poverty reduction' (or, in the case of the 1980 Act, that contributes to 'development').<sup>77</sup> Any programmes that engaged with conflict had to be able to demonstrate that they were

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<sup>72</sup> Comfort Ero, "A critical assessment of Britain's Africa policy," *Conflict Security and Development* 1, no. 2 (2001): 54-55.

<sup>73</sup> Ibid.

<sup>74</sup> Author interview with Peter Wilson, Libra Advisory Group (SSR consultants to DFID), 6 October 2008; Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 170.

<sup>75</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 170, quoting Garth Glentworth.

<sup>76</sup> DFID, "Eliminating World Poverty: A Challenge for the 21<sup>st</sup> Century," White Paper on International Development (London: DFID, 1997), 67.

<sup>77</sup> DFID, "International Development Act 2002: An Overview," <http://www.dfid.gov.uk/aboutDFID/devact2002overview.asp>, accessed 10 November, 2008.

simultaneously reducing poverty. DFID nested its arguments in the high correlation found between rates of poverty and incidents of conflict. As the 1997 White Paper on International Development states, '[h]alf of the world's low income countries are suffering, or have just emerged from, serious conflicts.'<sup>78</sup> Clare Short reinforced the point in 1999, stating that '[t]wenty of the 34 poorest countries are either involved in conflict or have recently emerged from conflict.'<sup>79</sup> Here, the mutual dependence between security and development becomes crucial. The security-development nexus, as it has been termed,<sup>80</sup> has provided the *modus operandi* for DFID's branching into conflict and security issues. Given that conflict and underdevelopment are often correlated, and that conflict deepens underdevelopment by destroying infrastructure, services and livelihoods and deterring investment, there is an incentive for aid departments to address conflict, to maximise the effectiveness of their aid. As the Department began to form a greater understanding of poverty reduction and its causes/correlations, its areas of engagement duly expanded, covering issues of debt, corruption, conflict and trade.<sup>81</sup> The high correlation between conflict and poverty in Africa made this region a key policy area.<sup>82</sup>

### *New Humanitarianism*

The closer proximity between security and development prompted the creation of principles for a 'new humanitarianism' within DFID. These were enunciated in April 1998, 'aimed at tackling the underlying causes of crises and building peace and stability.'<sup>83</sup> The departure from earlier development policies was embedded in its attempts to go beyond the basic goal of alleviating human suffering by broadening aid to address the underlying structures that create conflict (which is recognised as exacerbating underdevelopment), promote human rights and limit the harm caused by aid.<sup>84</sup> Consequently, efforts were being made to recognise the politics inherent within aid that often detracted from its purpose and to ensure that the moral impulse behind development assistance was not obfuscated. This new DFID policy has been noted by one commentator as being 'crucial in defining ... [DFID's] identity and was universalist, reaffirming principles and human rights.'<sup>85</sup> Efforts to cast DFID's work as an

<sup>78</sup> DFID, "Eliminating World Poverty," 67.

<sup>79</sup> Clare Short, "Security Sector Reform and the Elimination of Poverty," speech given at the Centre for Defence Studies, King's College London, 9 March, 1999.

<sup>80</sup> Mark Duffield, *Global Governance and the New Wars* (London: Zed Books, 2001).

<sup>81</sup> Porteous, "British Government Policy in sub-Saharan Africa," 283.

<sup>82</sup> Porteous, *Britain in Africa*, 131.

<sup>83</sup> DFID, "Departmental Report" (London: DFID, 1999).

<sup>84</sup> Schümer, *The New Humanitarianism*, 1.

<sup>85</sup> Zöe Marriage, *Challenging Aid in Africa: Principles, Implementation and Impact* (New York, NY: Palgrave

oasis of principles within the vast desert of otherwise unprincipled political decision making was apparent, for instance, in the title of Clare Short's 1998 Speech, 'Principled Aid in an Unprincipled World'.<sup>86</sup> The worthy intention of the policy of new humanitarianism, to render aid more 'principled' (according to notions of human rights, liberalism and democracy), created within DFID<sup>87</sup> a unique identity that set it apart from the rest of government, and certainly from the FCO, as the former (and less principled, given its national interest mandate) aid department. As Zöe Marriage suggests, 'DFID developed a morality discourse that was seductive domestically – being ostensibly ethical, long-termist and positive-sum.'<sup>88</sup>

### *DFID and its place in the British civil service*

These moves were not unproblematic, however, and DFID stepped on the toes of more than one department in its efforts to carve out a comprehensive policy approach to poverty reduction. Porteous notes that DFID has tended to:

stray into jealously guarded areas of Whitehall outside the traditional remit of a development ministry. Inevitably, some interdepartmental frictions ensued, for example with the Treasury over who should represent the UK at the World Bank and IMF; with the Department of Trade and Industry over international trade; with the Ministry of Defence over its military training programmes in Africa; and with the FCO over numerous issues including the sharing of classified information, the clearing of drafts of UN Security Council Resolutions, and policy documents.<sup>89</sup>

This turf battle is indicative of the bureaucratic culture emerging within the new DFID. The clout of the Department (with a seat in cabinet, a large budget and impressive new recruits) has allowed it to take on unconventional development issues (such as conflict) as well as imbue them with a new approach. As a new department, DFID has done old things in new ways and even some new things (like security) that were previously considered the reserve of other departments. DFID's approach has focused on democracy, equality and human rights in a far less nationally-interested manner than other departments, such as the FCO, Home Office and MoD, whose mandates have a stronger focus on the national interest. In addition, there were now two ministries dealing with, for instance, trade, but approaching the issue with different goals in mind. While this has involved, as Porteous suggests, some toe stepping,

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Macmillan, 2006), 47.

<sup>86</sup> Chris Dolan, "Conference Report: Principled aid in an unprincipled world," *Development in Practice* 8, no. 3 (August 1998): 372-373.

<sup>87</sup> Or at least within some parts of DFID, such as the Conflict and Humanitarian Affairs Department, the Department within DFID that developed the policy of new humanitarianism. See Schümer, *The New Humanitarianism*.

<sup>88</sup> Marriage, *Challenging Aid in Africa*, 48.

<sup>89</sup> Porteous, "British Government Policy in sub-Saharan Africa," 283-284.

other departments were also realising the inevitable interconnectedness of their work with DFID and others.<sup>90</sup> Porteous goes on to note:

just as DFID under Clare Short soon realised that it could not ‘do’ development without straying into political and military affairs, so the FCO under [Robin] Cook, and from 2001 under Jack Straw, came to realise that it could not ‘do’ foreign policy in Africa without working closely with DFID – and not just on ‘pure’ development issues, but also on others such as governance, security sector reform, crime, HIV, conflict and the problems of weak states. All the problems tended to merge into one.<sup>91</sup>

The problem of departments doubling up on research and analysis to reach the same goals through different means was identified in a cross-cutting review on Conflict Prevention in Sub-Saharan Africa, conducted in 2000.<sup>92</sup> To address this, the Africa Conflict Prevention Pool (ACPP) and the Global Conflict Prevention Pool (GCPP) were established in 2001. The Pools brought DFID, the FCO and the Ministry of Defence (MoD) together for ‘joint analysis, financing and coordination in areas where collaboration between the three departments can add value to UK conflict prevention activities.’<sup>93</sup> While the departments retain the integrity of their individual expertise (the FCO focusing on diplomatic initiatives of dialogue, negotiation and mediation; the MoD using its security background for peace support, enforcement and training; and DFID working towards poverty reduction through sustainable development, good governance and access to justice), the Pools allow for joint research, programming and funding to maximise the impact and harmonisation of UK interventions overseas.<sup>94</sup> Predominantly, ‘it is a financial instrument to deliver long-term conflict prevention activity.’<sup>95</sup> The Pools form an integral part of the UK’s ‘modernising government’ agenda with a focus on ‘joined-up government’<sup>96</sup>, implying rather uncontroversially that different departments within government should work together on issues that cut across various fields of expertise.<sup>97</sup> These Pools have since been superseded in 2008 by the Conflict Prevention Pool (CPP), which operates in the same manner and for the same purpose, but without a separate geographical pool for Africa. The CPPs have thus allowed the three participating departments

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<sup>90</sup> Ibid.

<sup>91</sup> Ibid, 285-286.

<sup>92</sup> DFID, MoD and FCO, “The Africa Conflict Prevention Pool: An Information Document” (London: DFID, MoD & FCO, 2001), 5.

<sup>93</sup> Ibid, 2.

<sup>94</sup> Ibid, 4.

<sup>95</sup> FCO, “Conflict Prevention Pools,” <http://www.fco.gov.uk/en/about-the-fco/what-we-do/funding-programmes/conflict-prevention-pools/>, accessed 10 November, 2008.

<sup>96</sup> Ibid, 6; MoD, “Factsheet: The Africa Conflict Prevention Pool,” <http://www.operations.mod.uk/africa/acpp.htm>, accessed 10 November, 2008.

<sup>97</sup> BBC News, “So what is joined-up government?,” 23 November, 1998, [http://news.bbc.co.uk/1/hi/special\\_report/1998/11/98/e-cyclopedia/211553.stm](http://news.bbc.co.uk/1/hi/special_report/1998/11/98/e-cyclopedia/211553.stm), accessed 10 November, 2008.

to take a looser approach to their own traditional spheres of operation and a more comprehensive approach to conflict prevention. For DFID, this has further legitimised its ability to address conflict as one of the key obstacles to poverty reduction, as understood through the security-development nexus.

### *Ethical foreign policy*

DFID's focus on Africa and the problems of insecurity and underdevelopment were facilitated more broadly within British politics by an emphasis on an ethical foreign policy. This was centred on the idea that values, such as human rights and democracy were as important as interests in determining foreign policy moves. As Foreign Secretary Robin Cook stated:

The Labour government does not accept that political values can be left behind when we check our passports to travel on diplomatic business. Our foreign policy must have an ethical dimension and must support the demands of other peoples for the democratic rights on which we insist for ourselves.<sup>98</sup>

Whilst the phrase became somewhat of a tribulation for the FCO, Blair drew upon this concept in distinguishing his foreign policy approach from that of the previous Conservative administration.<sup>99</sup> An ethical approach to foreign policy fit well with Blair's increasing interest in Africa and he is perhaps best (although, not *most*) remembered for his commitment to Africa.

### *Blair's influence*

Tony Blair assumed office in 1997 with little experience or knowledge of African foreign policy and development concerns.<sup>100</sup> His father had been a lecturer in the Law Department at the University of Sierra Leone, Fourah Bay College in the 1960s, and this personal connection is said to have cultivated in Blair a particular interest and compassion for Sierra Leone.<sup>101</sup> Yet this alone could not explain Blair's unprecedented engagement with Africa, and Sierra Leone in particular, during his time as Prime Minister. Porteous outlines several of the influences on Blair that he argues supported his turn to Africa:

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<sup>98</sup> Robin Cook, "British Foreign Policy", Speech, 12 May, 1997.

<sup>99</sup> Mark Wickham-Jones, "Labour's trajectory in foreign affairs: The moral crusade of a pivotal power?," in *New Labour's Foreign Policy*, eds. Richard Little and Mark Wickham-Jones (Manchester: Manchester University Press, 2000), 29.

<sup>100</sup> Porteous, "British Government Policy in sub-Saharan Africa," 286.

<sup>101</sup> Julian Borger, "I would not be speaking to you if it weren't for the risks Blair took," *The Guardian*, 26 May, 2007, <http://www.guardian.co.uk/world/2007/may/26/tonyblair.foreignpolicy>, accessed 11 November, 2008; Author interview with Garth Glentworth, Senior Governance Advisor, DFID, 17 October 2008.

Nelson Mandela, whom Blair met on several occasions, and the emergence of a dynamic, optimistic South Africa after apartheid, had almost certainly had an impact on him, as they had on others in his party. Clare Short says Blair was also influenced by positive things he heard about DFID's development work in Africa and elsewhere. It has been reported that, on his last visit to London as US president, Bill Clinton told Blair that he regretted not having done more for Africa and advised him to make Africa a priority. One Labour MP and former junior minister who has watched Blair's interest in Africa develop closely says that Africa's poverty and suffering elicited visceral sympathy from Blair as a professed Christian.<sup>102</sup>

Africa, and Sierra Leone in particular, were of interest to Blair for several reasons. For instance, the 'third way' that Blair promoted as 'an attempt to find middle ground between two diametrically opposed ideologies: old Left socialism and new Right capitalism', provided a set of values that lent themselves to a focus on Africa.<sup>103</sup> The third way implied a sense of shared responsibility for issues such as democracy, liberty and justice beyond merely our own borders.<sup>104</sup> Blair perceived a lack of such qualities in many African states, as demonstrated in his speech to the Labour Party Conference in 2001, in which he famously declared Africa to be 'a scar on the conscience of the world.'<sup>105</sup>

Blair was also clearly convinced of the transnational nature of threats. Before the events of 9/11 which, as noted earlier, led to a realisation that underdevelopment and instability threaten not merely those places where they manifest, but also the rest of the world, Blair had made known his belief that cause and effect were transnational. In his Chicago speech made in 1999 on a US visit, Blair, justifying the principle of humanitarian intervention in the context of NATO in Kosovo, claimed: 'We are all internationalists now'.<sup>106</sup> He went on to argue, 'We cannot turn our backs on conflicts and the violation of human rights within other countries if we want still to be secure.'<sup>107</sup> This linking of security across borders is fundamental to the interventionist nature of Blair's leadership. Andrew Dorman notes that as Prime Minister, Blair 'broke all records for the use of the armed forces ranging from operations in the Balkans to Afghanistan.'<sup>108</sup> He authorised the use of force five times: in Iraq in 1998, Kosovo in 1999, Sierra Leone in 2000, Afghanistan in 2001 and Iraq again in

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<sup>102</sup> Porteous, "British Government Policy in sub-Saharan Africa," 288-289.

<sup>103</sup> Ero, "A critical assessment of Britain's Africa policy," 52.

<sup>104</sup> Ibid; Abrahamsen and Williams, "Ethics and Foreign Policy," 250.

<sup>105</sup> Julia Gallagher, "Healing the scar? Idealising Britain in Africa, 1997-2007," *African Affairs* 180, no. 432 (2009): 435-451; Tony Blair, "Speech to the Labour Party Conference," 2 October, 2001, <http://www.guardian.co.uk/politics/2001/oct/02/labourconference.labour6>, accessed 30 April, 2010.

<sup>106</sup> Anne Penketh, "It might just as well have been his old master's voice," *The Independent*, 19 April, 2008, <http://www.independent.co.uk/opinion/commentators/anne-penketh-it-might-just-as-well-have-been-his-old-masters-voice-811845.html>, accessed 11 November, 2008.

<sup>107</sup> Ibid.

<sup>108</sup> Dorman, *Blair's successful war*, 3.



2003.<sup>109</sup> The interplay of this interventionism with Blair's 'third way' and its evolution into an 'ethical' foreign policy was central to British engagement in Africa and facilitated DFID's unusually strong commitment to Sierra Leone.<sup>110</sup>

Blair's cooption of Africa as one of his key concerns was apparent as he pushed African issues onto the agenda at the G8 Summit in Genoa in 2001, as well as appointed a special adviser on Africa within Number 10.<sup>111</sup> In the lead up to the 2001 British election, Africa also became a significant theme in his second term campaign, which, upon re-election was elaborated as the New African Initiative. The Initiative would take the form of a partnership between Western and African governments to 'offer greater investment, aid and debt relief for Africa'.<sup>112</sup> In 2004, recognising the need for greater local ownership, Blair launched the Commission for Africa, a panel of 17 independent commissioners, nine of whom were African. Its purpose was 'to take a fresh look at Africa's past and present and the international community's role in its development path.'<sup>113</sup> These initiatives indicate that the Prime Minister saw Africa as an important and legitimate field for political engagement and the continent assumed a higher profile under Blair than under any other recent administration. This prime ministerial commitment provided DFID with a sympathetic (and interventionist) ear in the highest echelons of decision making.

Julia Gallagher has noted, however, that despite Blair's enthusiasm, the terms of his African engagements were problematic.<sup>114</sup> Africa, she suggests, figured in moral but not political terms in British politics.<sup>115</sup> Gallagher argues that '[i]nvolvement in Africa is valued because of its ability to represent a pure space in the middle of the British state's activities: it brings all parties together, and it largely floats free of self-interest.'<sup>116</sup> The moral selflessness that engagement with Africa implies was central in casting British involvement in Sierra Leone as an operationalisation of an ethical foreign policy. Sierra Leone became the real world

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<sup>109</sup> Ibid, 9.

<sup>110</sup> Whether the 'third way' or 'ethical' foreign policy were genuine or useful guides to political conduct is another question. For discussion see Abrahamsen and Williams, "Ethics and Foreign Policy"; and Gallagher, "Healing the Scar?"

<sup>111</sup> Porteous, "British Government Policy in sub-Saharan Africa," 289.

<sup>112</sup> BBC News, "Blair Promises to Stand By Africa," 2 October, 2001, <http://news.bbc.co.uk/1/hi/world/africa/1575428.stm>, accessed 11 November, 2008.

<sup>113</sup> Commission for Africa, "Story of the Commission for Africa," <http://www.commissionforafrica.org/english/about/story.html>, accessed 11 November, 2008.

<sup>114</sup> Gallagher, "Healing the Scar?"

<sup>115</sup> Ibid, 448.

<sup>116</sup> Ibid, 446.

example of many of the problems that the Labour Party and the newly-created DFID, in particular, had been emphasising and represented a cornerstone of Blair's 'ethical foreign policy'. Indeed, Blair stated in the wake of the intervention in Sierra Leone, 'When people say run an ethical foreign policy, I say Sierra Leone was an example of that.'<sup>117</sup> This suggests that there were no British interests at stake in Sierra Leone and that the intervention was motivated by pure benevolence. While this goodwill undoubtedly played a role in the intervention, it cannot be claimed as the sole rationale. Closer analysis reveals there were other factors involved in prompting action.

### *New security and development strategies*

In the late 1990s new strategies for security and development were developing in DFID and the MoD that attempted to confront the realities of modern conflict and underdevelopment. Sierra Leone was a prime candidate for the interventions being innovated because its diminutive geography seemed to make it an achievable theatre for operations. As a result the Sierra Leone case offered the UK government, including DFID, the opportunity to test and showcase its humanitarian intervention and peacebuilding ideals. As Peter Albrecht and Paul Jackson suggest:

apart from the obvious moral imperative to aid one of the poorest countries in the world, there was also the perception that if the UK could not achieve its conflict prevention/stabilization objectives in a country such as Sierra Leone, where, then, would the instruments available to the UK Government be effective?<sup>118</sup>

Sierra Leone offered a seemingly hospitable environment in which to implement their transforming approach to security and development through joined-up government and the rapid deployment of smaller military units (which the 1998 Strategic Defence Review advocated).<sup>119</sup> As Albrecht and Jackson point out, if these efforts could not work in a country the relatively manageable size of Sierra Leone (27,699 square miles), it would become obvious that their innovations would also not work in larger, more geopolitically central countries, such as the Democratic Republic of the Congo or Sudan (905,567 and 967,495 square miles respectively).<sup>120</sup> Such countries would require significantly more expensive operations than Sierra Leone. As a former DFID Senior Governance Advisor explained, 'had

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<sup>117</sup> Tony Blair, quoted in Wickham-Jones, "Labour's trajectory in foreign affairs," 29.

<sup>118</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 171.

<sup>119</sup> Dorman, *Blair's successful war*, 132-133; Williams, "Fighting for Freetown," 159.

<sup>120</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 171.

it been a bigger country we would have been much more intimidated because we have ended up spending proportionately a huge amount of money in Sierra Leone compared with what we would normally spend in a country with that size population and land area.’<sup>121</sup> Sierra Leone thus ‘provided quite a useful test case for the new ... emerging security and development agenda’.<sup>122</sup> It offered a geographically and financially limited theatre, whilst simultaneously providing a convincing moral imperative that fit with the ethical foreign policy of New Labour and the responsible aid programme advocated by DFID.

This combination of international trends, domestic policies and personalities were integral in shaping the environment in which DFID emerged as a distinct part of the British government and formulated its policies regarding Sierra Leone. These policies, in turn, provided the script which has facilitated the UK’s most extensive engagement with an African country since colonialism. International trends in security and development discourse brought these two phenomena into closer proximity and opened up the possibility for shared terrain, which would prove critical to DFID’s work in Sierra Leone. Changes on the UK political scene, such as the creation of an independent DFID, promotion of an ‘ethical’ foreign policy, a commitment to joined-up government and a ‘third way’ interventionism favoured by the Prime Minister, ensured that concerns about Africa received the highest level of political consideration and that radical responses to these concerns were possible. Without the energies of Blair, Short and (to a lesser extent) Cook, Africa would have remained a persistent blip on the radar of Western foreign policy – tucked away in the rarely politicised corner of aid policy. Events in Sierra Leone also provided a seemingly suitable case for the testing of these new ways of thinking. It was in this context that greater engagement in Sierra Leone was made possible. However actual events appeared to take on a much more accidental nature. As Peter Albrecht and Paul Jackson have noted (quoting a senior DFID governance advisor and Clare Short respectively):

“We could not – we, being the British – could not let this fragile, but democratically elected government collapse. Now, I don’t think there was much theory behind that”. Indeed, simply, as put by Clare Short, referring to this period: “I was just doing it because it was disgraceful. No one was planning anything.”<sup>123</sup>

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<sup>121</sup> Author interview with Garth Glentworth, Senior Governance Advisor, DFID, 17 October 2008.

<sup>122</sup> Author interview with Mark White, West Africa Regional Conflict Advisor, DFID (former Security Sector Reform Advisor and former Programme Manager for Security Sector Reform and Justice Sector Development Programmes in Sierra Leone, DFID), 16 October 2008.

<sup>123</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 133 (quoting Garth Glentworth and Clare Short respectively).

While there might not have been much in the way of clearly enunciated policy to guide the UK's initial intervention, the international and domestic context made such an intervention plausible by increasing the profile of Africa, linking security to development and establishing intervention on humanitarian grounds as a moral imperative. As DFID's former SSR Advisor suggests, 'the geopolitical ... stars were in alignment.'<sup>124</sup>

### **Britain Intervenes**

The UK took the lead role in brokering the Lomé peace agreement between the democratically elected Kabbah government and the RUF leadership in 1999, which led to its enforcement by UNAMSIL peacekeepers,<sup>125</sup> and this lead role created a sense of obligation in the UK to ensure its success.<sup>126</sup> This was compounded by a general feeling internationally, in the UN and in Sierra Leone, that Britain was the obvious state to look to for action on Sierra Leone given the entwined histories of the two states.<sup>127</sup> By May 2000 the UNAMSIL mission was in crisis, not having yet received its promised troop commitments to enforce the peace agreement, which was in jeopardy as a result.<sup>128</sup> The implications of a failed peacekeeping mission were alarming for UN credibility. As Hugo Young, writing in *The Guardian* lamented at the time:

Intended to be 11,000-strong, the force there [in Sierra Leone] is the largest UN peacekeeping army in the world. Yet it is pathetically failing. It has become hostage ... to the armed gangs of rebel forces who are destabilising the regime it should be defending ... If this massive UN presence is incapable of sustaining peace, against a disorderly and largely untrained rabble, one must ask what future there can be for the entire principle of humanitarian peacekeeping internationally by the UN.<sup>129</sup>

The UK was well aware of this risk to UN credibility and the misguided approach it implied for the UK's own newfound zeal for humanitarian intervention.<sup>130</sup> There was also a concern for the some 1,000 British and Commonwealth citizens in Sierra Leone for whom the UK had

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<sup>124</sup> Author interview with Mark White, West Africa Regional Conflict Advisor, DFID (former Security Sector Reform Advisor and former Programme Manager for Security Sector Reform and Justice Sector Development Programmes in Sierra Leone, DFID), 16 October 2008.

<sup>125</sup> Murray, *The Catholic Orangemen of Togo*, 39-72.

<sup>126</sup> Williams, "Fighting for Freetown," 154.

<sup>127</sup> Ibid. Not only was Sierra Leone a colonial possession of the British from 1808 until 1961 (or from 1896-1961 for the Sierra Leone Protectorate), but the Province of Freedom (which marked the beginnings of Freetown) was established by the British as an outpost for freed slaves in 1787. Gershon Collier, *Sierra Leone: Experiment in Democracy in an African Nation* (London: University of London Press, 1970), 44-45.

<sup>128</sup> Dorman, *Blair's successful war*, 69.

<sup>129</sup> Hugo Young, "We are good at getting in, not so good at getting out," *The Guardian*, 18 May, 2000.

<sup>130</sup> Williams, "Fighting for Freetown," 155.

consular responsibility.<sup>131</sup> Brigadier David Richards (who had previous experience in Sierra Leone) was thus sent to Freetown as a liaison to assess the situation.<sup>132</sup> He arrived to find a deteriorating situation and, along with the British High Commissioner in Sierra Leone, David Jones, requested preparations for a rescue operation.<sup>133</sup> The following day full political and military decision making powers were delegated to the High Commissioner and Brigadier Richards, allowing them to determine if and when an evacuation should take place.<sup>134</sup> On 8 May, as reports of advancing rebels were confirmed, evacuation was announced, British forces were deployed and 499 people rescued within a few days.<sup>135</sup> In securing Lungi airport for evacuations, British forces engaged the RUF and thus began the process of ‘mission creep’, blurring the mandate of the British deployment in Sierra Leone.<sup>136</sup> The presence of British forces had an immediately stabilising effect in the country and the ease with which they defeated the RUF in their encounters with them reinforced this further. Any withdrawal risked relinquishing such tentative stability. According to Brigadier (now General Sir) Richards, he made the decision to extend the mandate of UK troops essentially independently, demonstrating the manner in which practice only loosely follows policy.<sup>137</sup> However, in the UK, Short, Cook and Secretary of Defence Geoff Hoon were also pressing Blair for continued deployment to buttress the weak UNAMSIL forces and to protect the Sierra Leonean population from RUF atrocities.<sup>138</sup> Blair agreed to continued deployment on the basis that the ethical cause outweighed the potential political fallout.<sup>139</sup> On 12 May, Baroness Symons, Minister of State at the MoD announced to the House of Lords:

The primary purpose behind our decision to intervene in this crisis is to protect and evacuate British citizens and others for whom we have consular responsibility from a dangerous, uncertain and unpredictable situation ... We also believe that an effective UNAMSIL, organised and equipped to meet its mandate, coupled with renewed commitment by all parties to the Lomé Accord offers the best hope for a lasting peace in Sierra Leone.<sup>140</sup>

Thus, UK troops would continue to support UNAMSIL while its troop commitments of 11,000 were honoured. While Britain’s deployment was gradually scaled back, troops

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<sup>131</sup> Dorman, *Blair’s Successful war*, 66-67.

<sup>132</sup> Ibid, 72; 77.

<sup>133</sup> Ibid, 77.

<sup>134</sup> Ibid, 79; Williams, “Fighting for Freetown,” 154.

<sup>135</sup> Dorman, *Blair’s successful war*, 79-81.

<sup>136</sup> Williams, “Fighting for Freetown,” 154.

<sup>137</sup> Alan Little, “The brigadier who saved Sierra Leone,” *BBC News*, 15 May, 2010, [http://news.bbc.co.uk/1/hi/programmes/from\\_our\\_own\\_correspondent/8682505.stm](http://news.bbc.co.uk/1/hi/programmes/from_our_own_correspondent/8682505.stm), accessed 17 May, 2010.

<sup>138</sup> Kampfner, *Blair’s Wars*, 71.

<sup>139</sup> Ibid.

<sup>140</sup> Quoted in Dorman, *Blair’s successful war*, 89-90.

ultimately remained to assist in disarmament and retraining of the Sierra Leone Army.<sup>141</sup> This heralded the beginning of the UK's long engagement with Sierra Leone which, Michael Binyon, writing in *The Times* referred to as 'Labour's expensive African albatross', where, 'in the last five years, Britain has spent more money, given more aid per head of population and been more politically engaged ... than in any other African country.'<sup>142</sup> This 'albatross' was, however, not without foundation. Whilst the intervention itself was rather *ad hoc* and ordered by British personnel working on the ground, the legitimacy of such a decision was embedded within an enabling political environment. This was the outcome of the interplay between a series of forces, policies and events that ensured Sierra Leone was not merely a rescue operation, but a litmus test for a new political approach involving a newly independent aid department, ethical foreign policy and a heightened proximity between security and development concerns. It was a formative context for DFID, which was to lead the UK's response efforts in Sierra Leone.

This background to both the Sierra Leonean conflict and the events and policies that drove the UK towards Africa, and Sierra Leone specifically, contextualise the UK's intervention and illustrate the environment in which DFID emerged. This context of a growing correlation between security and development, an ethical and interventionist foreign policy and government ministers promoting African concerns, was formative in shaping DFID and its unconventionally broad role for an aid department. This context provided space for a Department that emphasised poverty reduction over national interests and thus utilised an ethical and interventionist foreign policy to achieve its increasingly securitised developmental aims. These influences upon DFID have been crucial to the development of the Department's policy in relation to Sierra Leone. In particular, for enlightening how SSR came to be seen as the solution for Sierra Leone's troubles. The following section draws upon policy documents and interviews with DFID staff and consultants. It examines first the dominant narratives that emerge in DFID policy regarding the conflict in Sierra Leone, and how these narratives go on to shape the programmes that DFID enacts in response to the civil war.

### **DFID Policy on Sierra Leone**

Uncovering the policy prescriptions that grounded DFID's substantial engagement in Sierra Leone reveals a lack of strategy at the policy level. In a review of the UK Government's

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<sup>141</sup> Williams, "Fighting for Freetown," 140.

<sup>142</sup> Binyon, "Labour's expensive African albatross."

approach to peacebuilding (including SSR in Sierra Leone), Simon Lawry-White concludes that ‘the short answer to the question, “What is the UK government’s strategy on peacebuilding” is that there is no overall strategy.’<sup>143</sup> More specifically in relation to SSR, DFID’s former SSR Advisor comments that ‘although the British Government has a security sector reform policy brief, [which only came out in 2003], there isn’t actually a comprehensive SSR policy.’<sup>144</sup> Thus, an investigation of UK policy is not as straightforward as might be imagined. The following excavation of DFID’s white papers and policy publications from 1998 onwards in relation to Sierra Leone, Africa, conflict, governance, security and justice reform is revealing. From an analysis of these documents, as well as speeches and interviews with DFID personnel and consultants, dominant narratives emerge to explicate DFID’s engagement in Sierra Leone. These narratives begin with an explication of the problems that DFID perceives as needing to be addressed in Sierra Leone. The most useful document in this regard is a 2001 publication entitled, ‘The Causes of Conflict in Sub-Saharan Africa’. It states that ‘an effective response to African conflict requires agreement on, and understanding of, its causes. Past responses to conflict have often failed to understand the context within which conflict has operated or to address the causes.’<sup>145</sup> It highlights the importance of understanding how a particular war came about in order to be able to effectively respond to it.<sup>146</sup> The manner in which DFID has conceptualised the causes of war in Sierra Leone, then, has consequences for the nature of their post-conflict efforts. Their rationalisation of the war is demonstrated to fit neatly with the post-conflict SSR programme that was prescribed by the UK. DFID’s theorisation of the causes of war in Sierra Leone links with the subsequent reforms to form a neat and coherent image of the war to peace transition.

At the outset it should be made clear that DFID, and the UK government more broadly, has no official line on the causes of war in Sierra Leone. The intervention that was prompted there was largely *ad hoc*, with no pre-assessment of the causes of war or framework for action. As Garth Glentworth, a senior Governance Adviser for DFID explains:

there is far too much of this ... assessment and pre-appraisal ... These things [the causes of war] they come out and they hit you in the face, what you need to do immediately. Now there

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<sup>143</sup> Simon Lawry-White, “Review of the UK Government Approach to Peacebuilding” (London: DFID and the Performance Assessment Resource Centre, August 2003), 17.

<sup>144</sup> Author interview with Mark White, West Africa Regional Conflict Advisor, DFID (former Security Sector Reform Advisor and former Programme Manager for Security Sector Reform and Justice Sector Development Programmes in Sierra Leone, DFID), 16 October 2008.

<sup>145</sup> DFID, “The Causes of Conflict in sub-Saharan Africa” (London: DFID, FCO and MoD, October 2001), 14.

<sup>146</sup> *Ibid*, 3.

may be secrets in there, I quite accept but you can start off and learn them as you go along. But this idea that you have got to have an in-depth assessment before you start to move an inch and the time it takes - I mean one of the things that is very bad in all this is timeliness, rapid response, whatever you like to call it. We don't move fast enough because we are always busy perfecting what we are going to do, appraising it and planning it and budgeting it and getting it approved, getting the logical framework right as if a bit of paper had any real meaning ... You know we do all this before we even start and by that time things have got worse.<sup>147</sup>

This statement reflects very real concerns about the division of valuable time between planning and implementation. However, whilst implementation might quite rightly be prioritised over the planning, there will inevitably be assumptions implicit in the implementation that could otherwise have been thought through in the planning stages. Skimming the planning in order to get on with implementation does not mean that there is an obvious consensus on the causes of war. Rather, it means that the understandings of the causes of war will be obscured and implicit in the actions being implemented. Thus, what is drawn out below is the dominant narrative of the causes of war apparent throughout policy documents and Ministerial speeches. Piecing these together assembles a relatively coherent image of the manner in which the conflict in Sierra Leone was understood, and engaged with, despite not being explicitly set out in policy terms.

### *State failure*

The DFID publication, 'Causes of Conflict in sub-Saharan Africa' suggests that '[i]t is possible to distinguish between the root causes of conflict, the secondary causes that enable and sustain conflict and the tertiary causes, or the barriers that hinder resolution.'<sup>148</sup> The first of the 'root causes', receiving the lengthiest explanation in the paper, is 'weak states and state collapse', with Sierra Leone specifically pinpointed as a 'failed state'.<sup>149</sup> DFID claims:

The weakening and collapse of state institutions has caused internal and regional conflict. Collapse is rarely sudden. It arises out of a long and degenerative process ... A key part of this process is the deterioration of the security sector, which becomes unaccountable and abusive. Judicial and penal systems collapse. The state finds itself unable to provide basic social services or security to its people. The erosion of infrastructure completes the break up of the state.<sup>150</sup>

Sierra Leone has, in fact, been pointed to explicitly as a failed state on a consistent basis in

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<sup>147</sup> Author interview with Garth Glentworth, Senior Governance Advisor, DFID, 17 October 2008.

<sup>148</sup> DFID, "The Causes of Conflict in sub-Saharan Africa," 14.

<sup>149</sup> Ibid, 8; 14.

<sup>150</sup> Ibid, 14.



UK policy.<sup>151</sup> Clare Short used this phrase to explain the causes of conflict in Africa, specifically mentioning Sierra Leone in 2000.<sup>152</sup> In 2002, Foreign Secretary Jack Straw made a speech in the lead up to the first anniversary of 9/11, devoted to the topic of ‘Failed and Failing States’, in which he spoke of Sierra Leone’s plight.<sup>153</sup> Porteous notes this trend, stating that ‘Sierra Leone is usually presented as the main example of successful UK intervention to rescue a collapsed state’;<sup>154</sup> and that Sierra Leone is contrasted with ‘weak states that have not completely failed, or have managed to overcome civil conflict and collapse ... [such as] ... Uganda, Rwanda, Mozambique, Zambia, Malawi, Ethiopia, Kenya and Tanzania.’<sup>155</sup> The state failure logic has been incorporated further into UK policy as an explanation for insecurity in Africa by the ACPP. The Pool’s ‘Joint Approach to Preventing and Reducing Conflict in sub-Saharan Africa’ states, ‘[a]s weakened authoritarian regimes lost internal control and external support, a number of states collapsed ... [and] became the focal point for wider regional instability.’<sup>156</sup> Specific mentions of how state failure manifested to cause conflict in Sierra Leone refer to poor governance and frail state structures,<sup>157</sup> corruption amongst the political elite<sup>158</sup> and an unruly security sector.<sup>159</sup> This approach to the causes of conflict in Sierra Leone problematises state incapacity and seeks to strengthen it in order that ‘service delivery’ be improved. Such increased capacity would, in theory, alleviate discontent amongst constituents and improve the environment for investment and thus economic development.<sup>160</sup> DFID’s 1997 White Paper, ‘Eliminating World Poverty’ also refocuses developmental attention on the state as the institution with the power to enforce individual rights and security that are central to the stability required for investment.<sup>161</sup>

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<sup>151</sup> DFID, MoD and FCO, “The Africa Conflict Prevention Pool: An Information Document” (London: DFID, MoD and FCO, September 2004), 3.

<sup>152</sup> Clare Short, “Clare Short Speaks on Globalisation”, Guardian Unlimited Talk Board Session,” 13 December, 2000, <http://www.guardian.co.uk/world/2000/dec/13/globalisation>, accessed 8 November, 2008.

<sup>153</sup> Jack Straw, “Failed and Failing States,” Speech given at the European Research Institute, University of Birmingham, 6 September, 2002, <http://www.eri.bham.ac.uk/events/jstraw060902.pdf>, accessed 17 November, 2008.

<sup>154</sup> Porteous, “British Government Policy in sub-Saharan Africa,” 291.

<sup>155</sup> Ibid, 292.

<sup>156</sup> The Africa Conflict Prevention Pool, “A Joint UK Government Approach to Preventing and Reducing Conflict in Sub-Saharan Africa” (London: MoD, FCO and DFID, September 2004), 3.

<sup>157</sup> Adrian Horn and ‘Funmi Olonisakin with Gordon Peake, “United Kingdom-led Security Sector Reform in Sierra Leone,” *Civil Wars* 8, no. 2 (June 2006): 110.

<sup>158</sup> DFID, “Evaluation of DFID Country Programmes: Sierra Leone” (London: DFID, September 2008), 2.

<sup>159</sup> DFID, MoD and FCO, “The causes of conflict in Sub-Saharan Africa,” 14; Anthony Vinci, “Anarchy, Failed States, and Armed Groups: Reconsidering Conventional Analysis,” *International Studies Quarterly* 52, no. 2 (June 2008): 298; Roderick Evans, “Security Sector Transformation from a Development Donor Perspective,” <http://se2.dcaf.ch/serviceengine/FileContent?serviceID=21&fileid=553B35AA-DBD1-475F-1825-0BCB9016D700&lng=en>, accessed 7 October, 2008.

<sup>160</sup> DFID, MoD, FCO, “The causes of conflict in Sub-Saharan Africa,” 14.

<sup>161</sup> DFID, “Eliminating World Poverty,” 12; 16.

The definition of a ‘failed state’, however, has not been entirely clear, and is often replaced by similarly obscure terms such as ‘fragile’ or ‘weak’.<sup>162</sup> Discussion of these terms focuses on poor governance, weak institutions unable or unwilling to provide their services and corrupt political elites more interested in personal profit than in governing.<sup>163</sup> Describing fragile states (as DFID later refers to them) in 2005, DFID defines them as:

those [states] where the government cannot or will not deliver core functions to the majority of its people, including the poor. The most important functions of the state ... are territorial control, safety and security, capacity to manage public resources, delivery of basic services, and the ability to protect and support the ways in which the poorest people sustain themselves.<sup>164</sup>

States fail, therefore, by ceasing to provide essential services, of which security is one of the most important. This fits with other extrapolations, such as Prime Minister Blair’s Strategy Unit who stated that ‘[w]eak and failing states are often unable to meet the security and prosperity needs of their own people.’<sup>165</sup> The emphasis within these statements on service delivery has been noted by DFID’s former Permanent Secretary as constituting the twenty-first century theme of the Department (as opposed to the twentieth century theme of policy-making).<sup>166</sup> By prioritising the ability of the state to provide services, such as healthcare, education and, importantly, security, reforms centred on the state become the focus of response efforts. For instance, the ‘Causes of Conflict’ publication goes on to claim under ‘Responses to Conflict’ that restoring the legitimacy of the state through improved service delivery is crucial to addressing state failure.<sup>167</sup> Thus, by pinpointing state failure as a central cause of conflict in Sierra Leone, attempts to address these causes legitimate intervention into the state apparatus itself.<sup>168</sup> As Porteous highlights, drawing on the Report of the Commission for Africa, ‘[i]f states could be fixed so that they ‘functioned’ properly in terms of delivering basic services and security, then all would be well.’<sup>169</sup> The goal then is to strengthen and reform state institutions, of which the security services are a prime (if not *the* prime) component.

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<sup>162</sup> DFID, “The Africa Conflict Prevention Pool,” 3; DFID, “Why we need to work more effectively in fragile states” (London: DFID, January 2005), 7.

<sup>163</sup> DFID, “The Causes of Conflict in sub-Saharan Africa,” 16.

<sup>164</sup> DFID, “Why we need to work more effectively in fragile states,” 7.

<sup>165</sup> Centre for Development Research (ZEF), University of Bonn, “Institutional Mapping and Bibliography on State Failure and Good Governance,” <http://www.state-failure.de/directory/4.htm#4.2.1>, accessed 14 November, 2008.

<sup>166</sup> John Vereker, “Blazing the Trail: Eight Year of Change in Handling International Development,” *Development Policy Review* 20, no. 2 (2002): 138.

<sup>167</sup> DFID, “The Causes of Conflict in sub-Saharan Africa,” 17.

<sup>168</sup> Ferguson, *Global Shadows*, 95; Porteous, *Britain in Africa*, 77-78.

<sup>169</sup> Porteous, *Britain in Africa*, 66.

The state failure thesis, however, merely facilitates intervention into the state apparatus. While it pinpoints security provision as one of the key services which the Sierra Leonean state failed to provide, it does not in and of itself provide a justification for DFID's involvement in SSR. This move is dependent upon the second dominant narrative that emerges in DFID policy: the security-development nexus. This combines with the state failure thesis to form a coherent vision of the relationship between war and peace, security and development, legitimising SSR as an appropriate response to the causes of war in Sierra Leone.

### *Security-development nexus*

The challenge that the issue of conflict posed to DFID is perhaps the most striking theme of the policy documents under review. From 1997 onwards, DFID has cast issues of conflict and security as being firmly within its mandate, despite the lack of precedent. The 1997 White Paper recognises that security is an essential pre-condition for development.<sup>170</sup> By 1998, this claim was given greater substance in a document entitled, 'Poverty and the Security Sector', claiming that '[c]oncern about insecurity is a strong concern of the poor. Evidence from participatory poverty assessments shows that wherever people's basic physical security is threatened ... dealing with this problem is seen by the poor as an overriding priority.'<sup>171</sup> This was supported by work done by the World Bank under their 'Consultations with the Poor' project, in which 20,000 poor people at 468 sites in 23 countries were interviewed and indicated that safety, security and justice issues were of central importance to them.<sup>172</sup> Yet in making this move, DFID was also aware that this was new and unconventional ground for a development agency. The 'Poverty and Security Sector' document goes on to state that whilst 'the link between security and development has been increasingly recognised in recent years, particularly since the end of the Cold War ... few Development Ministries have until now focused directly on security sector reform.'<sup>173</sup> Clare Short tackled this concern in a speech at King's College London in 1999. Making the link between security and development clear, she argues:

Twenty of the 34 poorest countries are either involved in conflict or have recently emerged from conflict. I believe that a security sector of appropriate size, properly tasked and managed is a key issue. We are therefore entering this new area of security sector reform in order to

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<sup>170</sup> DFID, "Eliminating World Poverty," 10.

<sup>171</sup> DFID, "Poverty and the Security Sector" (London: DFID, 1998).

<sup>172</sup> DFID, "Justice and Poverty Reduction" (London: DFID, 2000), 3.

<sup>173</sup> Ibid.

strengthen our contribution to development.<sup>174</sup>

Other efforts were made to show how conflict and insecurity negatively impacted on development. For instance, in 2001 DFID claimed that ‘over the past twenty years Africa has lost over fifty per cent of its transport infrastructure, many of the losses due to conflict.’<sup>175</sup> In 2004 it highlighted that ‘war has led to consistent negative economic growth – at least 2% per year according to the World Bank.’<sup>176</sup> By 2007, the importance placed on security in achieving development was even stronger, with DFID claiming that ‘[w]hile aid can have a considerable impact on development and reducing poverty, policies beyond aid, for example security policy, can have an even greater impact.’<sup>177</sup> Simon Lawry-White, reviewing UK peacebuilding approaches between 1997 and 2001 notes that the security-development nexus is an underlying principle of UK conflict prevention efforts.<sup>178</sup> Sierra Leone is an obvious theatre for demonstrating nexus claims, given its history of conflict and its ranking at the bottom of the UN’s human development index since the 1990s.

The state failure arguments regarding the causes of war in Sierra Leone, paired with the security-development nexus thinking within DFID to create a neat and unifying argument about how to get from war to peace and from insecurity to development. Its rationalisation suggests that as the Sierra Leonean state failed, service delivery by government security forces, schools and health programmes (to name but a few) broke down. The collapse of these services meant that people were rendered insecure due to an absence of police and military and were also unable to access education, health care or other government services. Without a judicial system, corrupt individuals and criminal groups could not be held to account for their actions. The poorer people were, the less they were able to protect themselves from such actors and thus the more insecure they became. Equally, the more insecure people were, the poorer they became as they could no longer work, go to school or invest safely in their futures. In failing to provide services, the state could thus no longer protect its citizens from violent forces or insulate them from the spiralling costs (both financial and in terms of safety) of accessing healthcare, education and foodstuffs. Poverty and conflict therefore existed in a state of mutual dependence and where one worsened, the other similarly deteriorated. As Schümer (quoting a DFID report) explains:

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<sup>174</sup> Short, “Security Sector Reform and the Elimination of Poverty”.

<sup>175</sup> DFID, MoD and FCO, “The causes of conflict in sub-Saharan Africa,” 11.

<sup>176</sup> DFID, FCO and MoD, “The Africa Conflict Prevention Pool,” 3.

<sup>177</sup> DFID, “DFID Annual Report 2007: Development on the Record” (London: DFID, 2007), 168.

<sup>178</sup> Lawry-White, “Review of the UK Government Approach to Peacebuilding,” 20.

DFID maintains that “poverty can only be eradicated through the resolution of violent conflict” and vice versa and believes that violent conflict, while indicative of a structural deficiency, is an aberration of a historical movement towards sustainable development and liberal democracy.<sup>179</sup>

Thus, to reduce poverty is to prevent conflict and to resolve conflict is to support the alleviation of poverty. Or, as Hilary Benn, former Secretary of State for International Development states: ‘Development without security is impossible; security without development is only temporary.’<sup>180</sup> With these two ‘aberrations’ removed both peace and development will take hold, as investors are attracted to an increasingly stable environment, and the developmental model propounded by Western donors such as DFID will be rendered unproblematic.

### **Security Sector Reform**

This interpretation of the situation in Sierra Leone pinpoints the state (through state failure arguments) as the epicentre of breakdown and the key cause of the war. Reforms to comprehensively address the causes of conflict (according to DFID’s dominant narratives) must strengthen the state by improving service delivery and one of the principal services that can strengthen the state, protect its citizens and create stability for investment and development is the security sector.<sup>181</sup> As security is now perceived as being within the bounds of DFID’s development work (given the international and domestic context in which DFID was established), reform of the security sector is a legitimate area of engagement. The state security sector, therefore, becomes the vehicle for ensuring security *and* development. Thus, SSR represents a logical approach to addressing the causes of conflict in Sierra Leone. As the Conflict and Humanitarian Affairs Department within DFID notes:

Security sector reform is central to DFID’s mission of poverty reduction. Badly managed and bloated security forces hamper development, discourage investment, and help to perpetuate poverty. On the other hand, well-managed and effective security forces operating within institutional frameworks defined by law, can be a force for good. Security sector reform can help create stability, promote human rights, and achieve transparency and accountable security expenditure.<sup>182</sup>

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<sup>179</sup> Schümer, *The New Humanitarianism*, 61, quoting DFID.

<sup>180</sup> Hilary Benn quoted in Waddell, “Ties that Bind,” 534.

<sup>181</sup> Andreas Mehler, “Hybrid Regimes and Oligopolies of Violence in Africa: Expectations on Security Provision ‘From Below’,” in *Building Peace in the Absence of States: Challenging the Discourse on State Failure*, eds. Martina Fischer and Beatrix Schmelzle, Berghof Research Centre for Constructive Conflict Management, Series No. 8, April 2009, 59.

<sup>182</sup> Conflict and Humanitarian Affairs Department, “Understanding and Supporting Security Sector Reform: Introduction” (London: DFID, 2002).

Strengthening the security sector feeds into a broader process of the transition from war to peace (and security to development). Following security-development nexus thinking, with the security sector functioning appropriately and effectively with the help of SSR, development can then take place in a more conducive environment.<sup>183</sup> This enables peace by means of effective and disciplined security forces. The stability provided by this secure environment paves the way for increased investment, development and prosperity for the wider population. As Adrian Horn (senior policing adviser to the UK's police reform programme in Sierra Leone), 'Funmi Olonisakin and Gordon Peake note, '[t]he UK government sees SSR as a foundational pre-requisite for the achievement of broad development goals.'<sup>184</sup> SSR then is doubly valuable, as it addresses state failure (which DFID sees as the cause of conflict in Sierra Leone) *and* it lays the foundations upon which DFID can also achieve its goals of poverty reduction and development through security-development nexus thinking.

Having problematised the state as a cause of the war and reading state failure to be the breakdown of service delivery functions, security provision through the UK's SSR programme has concomitantly focused predominantly upon state forces. Most notably, these include the Republic of Sierra Leone Armed Forces, the Sierra Leone Police, the Office for National Security, the Central Intelligence and Security Unit and the formal judicial system. This adheres to the reform logic that disciplined, effective and democratic security forces will be better placed to fulfil their mandate of protecting citizens, thus allowing a stable environment in which the country can develop.<sup>185</sup> Such development will, in turn, improve the country's chances of remaining conflict-free, as will the presence of a reliable security force, capable of confronting threats. This state-focused SSR response fits more broadly with international trends of operationalising peacebuilding through state building. As Volker Boege and others explain 'state-building today is seen by major donors as a central dimension of development assistance, and functioning and effective state institutions are seen as a prerequisite for sustainable development.'<sup>186</sup>

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<sup>183</sup> Keith Biddle, Ian Clegg and Jim Whetton, "Evaluation of ODA/DFID support to the police in developing countries: synthesis study," Evaluation Report 648 (Swansea: University of Wales and DFID, October 1998), 1-2.

<sup>184</sup> Horn and Olonisakin with Peake, "United Kingdom-led Security Sector Reform," 121.

<sup>185</sup> DFID, "Understanding and Supporting Security Sector Reform" (London: DFID, 2002), 7.

<sup>186</sup> Volker Boege et al, "On Hybrid Political Orders and Emerging States: What is Failing – States in the Global South or Research and Politics in the West?," Berghof Research Centre for Constructive Conflict Management, April 2009, 16.

## **Conclusion**

This chapter has sought to provide a rationalisation of DFID's policy approach to Sierra Leone. It has demonstrated how DFID came into being in the midst of particular international and domestic contexts which shaped the new aid department. The form that DFID took led it to engage with Sierra Leone in particular ways at the policy level. Policy documents were then excavated to reveal dominant narratives that indicate the thinking behind DFID's response to the war in Sierra Leone. The state failure argument regarding the causes of war justifies intervention into the state apparatus, focusing upon the security sector as the essential coercive component of statehood. The security-development nexus has complemented this state failure thinking and transformed the understanding of the causes of war into a broader and more comprehensive explanation about the causes of war, peace, security and development. Thus, by intervening to reform the security sector, security and stability will be fostered, allowing development to occur, thus fortifying peace and decreasing the likelihood of a return to conflict.

These dominant narratives fit together to provide a comprehensive explanation of the causes of peace and war, and security and development. A neat and unifying programme cycle can therefore be discerned. The UK's engagement with Sierra Leone has been guided by a new closeness of security and development agendas. The specific nature of that engagement can be linked to the ways in which the causes of war were implicitly understood, through the rubric of state failure and the security-development nexus. This has led to a focus on strengthening state institutions and pairing security and development objectives in a mutually dependent manner. Security sector reform offered a unique opportunity to simultaneously address both dilemmas. This programme, an exercise in the joined-up government that the merging of security and development required, promoted state controlled security. State centrism prioritised the formal state organisations of security, such as the police, military and intelligence services as the prime agents for effecting the change that would allow, comprehensively, for security, development and peace to follow. This DFID worldview was facilitated by international trends bringing security and development into a more proximate relationship and a domestic political scene in the UK that gave Africa unprecedented priority, promoted an ethical foreign policy and an independent aid department, and advocated intervention on humanitarian grounds.

Yet how much of this seemingly comprehensive rationalisation reflects actual experiences of

war and security in Sierra Leone? To what extent is the reality of on-the-ground security provision and conflict causes encapsulated in DFID's policy approach? As Robert Egnell and Peter Halden note, the state structures that DFID aims to reform are not necessarily the structures through which governance is provided in Sierra Leone:

The European experience, state form and formative trajectory is not universal but specific. For example, the form of state and formative trajectory in many African states is radically different. These points are not “merely” academic or of interest only to historians and sociologists but have profound consequences for the enterprise of state-building as practitioners, politicians and academics coming from one particular tradition, which is often universalised and taken for granted, attempt to establish the state institutions of one tradition in very different contexts ... Stressing differences in state forms is not culturally or civilisationally essentialist or relativist. Nor does it portray non-Western states and societies as exotic, and it does not ascribe differences in state structure to any kind of ethnic or cultural differences. Rather it implies that we have to recognise the importance and salience of structural and cultural contexts if we are to achieve at least a fraction of the goals we set.<sup>187</sup>

These concerns shall be addressed in the following chapter, suggesting that DFID's policy approach might not explain as much as it portends. For our purposes here, however, DFID – in spite of its protestations of having no definitive policy on SSR or Sierra Leone – appears to implicitly maintain an incredibly coherent image of conflict, security and development that centres upon the state.

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<sup>187</sup> Robert Egnell and Peter Halden, “Laudable, Ahistorical and Overambitious: Security Sector Reform meets State Formation Theory,” *Conflict, Security and Development* 9, no. 1 (April 2009): 36.



## 2

### **Challenging UK Policy: 'Thicker' understandings of conflict, security and governance**

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*'reality ... must first be known about before it can be reformed'*<sup>1</sup>

A re-reading of the conflict in Sierra Leone reveals a complex matrix of war, security and governance that DFID's thin policy narratives cannot account for. This chapter examines the causes of war drawing upon fieldwork interviews and accounts from researchers and academics with in-depth experience in Sierra Leone. These insights highlight simplifications made within DFID policy in the face of significant local complexity. The manner in which DFID has understood the conflict in Sierra Leone clearly has implications for the reforms that it delivers. If DFID has misinterpreted the causes of the war, then it is likely that its reform programmes are not addressing the full panoply of problems facing Sierra Leone.

In setting this out, it is necessary to look beyond state failure to the authorities that play a more central role in the lives of the majority of Sierra Leoneans. Charting the role that chiefs<sup>2</sup> and secret societies play in Sierra Leonean society reveals their centrality to the administration of governance at a local level. It is then demonstrated how the failure of these informal actors to provide equitable and just services created grievances amongst rural youth, compelling many to join the Revolutionary United Front (RUF), also indicating a failure of the chieftaincy system to maintain order. The administration of the chieftaincy system and its related secret societies can thus be seen as one of the causes of civil war. In order to effectively address the causes of conflict and ensure a sustainable peace, DFID would therefore need to engage not only in reform of the state, but also in reform of informal actors. Arguments that strengthening the state will simultaneously render the chieftaincy system redundant are rebuffed for their lack of recognition of the interwoven nature of the state and chieftaincy system in Sierra Leone. The chapter returns briefly in the final section to DFID

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<sup>1</sup> G. Blundo and J-P Olivier de Sardan, "Why should we study everyday corruption and how should we go about it?," in *Everyday Corruption and the State*, eds. G. Blundo and Olivier de Sardan (London: Zed Books, 2006), 7.

<sup>2</sup> Throughout the thesis I refer to 'chiefs' and 'paramount chiefs'. Paramount chiefs are the most senior chiefs in Sierra Leone and head each of Sierra Leone's 149 chiefdoms (see map on page v). Within these chiefdoms, 5-15 smaller units (sections, villages and towns) are administered by lower level chiefs. When speaking about the chieftaincy institution as a whole I will refer to 'chiefs' generally, including both paramount chiefs and lower level section and village chiefs. When speaking about paramount chiefs specifically, this title shall be used. More detail of the development of these positions follows later in the chapter.

policy to determine whether it acknowledges the importance of informal actors in security sector reform efforts.

The claim of the chapter is not that DFID's understanding of the situation in Sierra Leone is entirely wrong, but rather that the effectiveness of DFID's SSR programme is limited because the understanding of the causes of war that underlies DFID policy is 'thin'. In contrast, this chapter seeks to provide a 'thick' account of the causes of war and nature of security governance in Sierra Leone. In so doing, it draws upon the work of Clifford Geertz who popularised 'thick' and 'thin' notions of understanding.<sup>3</sup> Employing the example of a wink, Geertz demonstrates the point.<sup>4</sup> Understood at a 'thin' level, the action is described as a contraction of the eyelid. A thick description takes into account this action and probes deeper to examine its cultural significance, understanding it as a wink and thus a meaningful communicative gesture.<sup>5</sup> It is thus to understand practices within their cultural context, involving an ethnography of practice, rather than merely thinly recounting actions that are not culturally understood.<sup>6</sup> Incorporating a notion of 'thickness' into understandings of the causes of war in Sierra Leone recognises the deeper layers of failure that require comprehension and reform in order to build a sustainably peaceful society. A thicker or deeper understanding provides a multi-causal, rather than mono-causal explanation of the conflict.

Adopting a state failure approach to the conflict, as DFID does, is not necessarily incompatible with local understandings of the causes of war – but this failure occurred at a significantly broader level than DFID appears to have realised and the state is but one of its victims. Failure is not merely of the bureaucratic state, but also of the chieftaincy system, suggesting that governance goes beyond the bureaucratic level of the state to the informal structures of the chieftaincy system. By focusing primarily on the state in reform efforts, DFID misses the other layers at which failure is also embedded. Ultimately, this chapter seeks to demonstrate the crucial role played by the chieftaincy system in creating the conditions for conflict. Without factoring the breakdown of the chieftaincy system into its analysis, DFID misunderstands the locus of failure and sets itself up to reform only some of the problematic institutions and practices. In order to provide a thicker account of the causes of war in Sierra

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<sup>3</sup> Clifford Geertz, *The Interpretation of Cultures* (London: Hutchinson & Co, 1975).

<sup>4</sup> Ibid, 7.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid, 27.

Leone, the prevalence of the chieftaincy system and secret societies in the daily lives of their subjects requires elaboration.

### **Chiefs: The ‘missing bottom’ of governance in Sierra Leone<sup>7</sup>**

The chieftaincy system in Sierra Leone is frequently pointed to as an institution that Sierra Leoneans cannot imagine living without.<sup>8</sup> Despite widespread recognition of serious problems within chieftaincy, it seems few, if any Sierra Leoneans advocate abandoning this system.<sup>9</sup> Rather, chiefs are spoken of as the custodians of culture and the human face of government who know their people.<sup>10</sup> Paul Jackson refers to the chiefdom as ‘the basic unit of local government.’<sup>11</sup> As their extensive functions demonstrate, chiefs are an integral component of governance provision in Sierra Leone and cannot be easily separated from the state, either theoretically or in practice.

#### *History of Chieftaincy*

The chieftaincy system in Sierra Leone arises out of a mixture of cultural precedent, colonialism and patrimonialism. Little has been written about the functions of pre-colonial traditional leaders and it is difficult to determine how longstanding current functions are. Edward Sawyer suggests:

Chieftaincy in late-pre-colonial Sierra Leone was an unstable institution founded on a not always consistent mixture of biological legitimacy, patrimonial largesse and military strength, where popular allegiances were tempered by tensions between ruling and non-ruling houses, between freemen and slaves, and between the potential advantages of going it alone and those to be had from allying with rival chiefs.<sup>12</sup>

An interview with a paramount chief in Sierra Leone indicated that traditional leaders were

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<sup>7</sup> Emmanuel Gaima, Coordinator of the Decentralisation Secretariat and now the Acting Coordinator for the Institutional Reform and Capacity Building Project, described the chieftaincy system as the ‘missing bottom’ of governance in Sierra Leone. Author interview with Emmanuel Gaima, Coordinator, Decentralisation Secretariat, 6 March 2009.

<sup>8</sup> Author interviews with Members A, Promoters of Peace and Justice Freetown, 16 February 2010 and Member B, Promoters of Peace and Justice Freetown, 3 March 2009; Richard Fanthorpe, “On the Limits of Liberal Peace: Chiefs and Democratic Decentralisation in Post-War Sierra Leone,” *African Affairs* 105, no. 418 (2005): 31-32; Truth and Reconciliation Commission for Sierra Leone, “Witness to Truth: Final Report of the Truth and Reconciliation Commission for Sierra Leone” 2, vol. 3 (2007): 59.

<sup>9</sup> No interviewees (including former-RUF rebels) advocated abandoning chieftaincy, although many promoted reform. Author interviews in Sierra Leone, February – April 2009.

<sup>10</sup> Author interviews with Emmanuel Gaima, Coordinator, Decentralisation Secretariat, 6 March 2009; and Dr Osman Gbla, Dean of Faculty of Social Science and Law, University of Sierra Leone, 3 March 2009.

<sup>11</sup> Paul Jackson, “Reshuffling an Old Deck of Cards? The Politics of Local Government in Sierra Leone,” *African Affairs* 106, no. 422 (2006): 99.

<sup>12</sup> Edward Sawyer, “Remove of Reform? A Case for (Restructuring) Chiefdom Governance in Post-conflict Sierra Leone,” *African Affairs* 107, no. 428: 389.

chosen in pre-colonial times for their impressive skill sets.<sup>13</sup> Most often, these skills were in hunting and fighting, but also at times in diplomacy and intellect.<sup>14</sup> Yet this oral history was less exact on their pre-colonial functions. With so few pre-colonial sources it remains difficult to determine whether the roles and responsibilities of modern day chiefs resemble that of their pre-colonial ancestors. It seems inevitable that whatever ‘traditional’ functions may remain will have been influenced by the modern state, which now shares the governance portfolio with the chiefs.

While pre-colonial Sierra Leone possessed tribal leaders of the kingdoms that were to be unified through colonialism, no ‘chiefs’ or ‘paramount chiefs’ existed by that terminology.<sup>15</sup> Reference to chiefs began when the Crown Colony of Freetown and the Western Area was established in 1808 and colonial officials began travelling upcountry to make friendship treaties with traditional leaders to facilitate trade.<sup>16</sup> The terminology of ‘chiefs’ was formally established when the provinces of Sierra Leone became the Sierra Leone Protectorate in 1896. While the Crown Colony (Freetown and the Western Area) continued to be governed by a direct officer administration, the Protectorate (upcountry provinces) was governed through the British policy of indirect rule.<sup>17</sup> As a result, the British colonisers required local leaders to implement their ordinances, collect their taxes, and control their subjects. The British used the leaders of the kingdoms and gave them the title of chiefs (predominant elsewhere in the British African colonies).<sup>18</sup> Explaining this process, Richard Fanthorpe claims that the British ‘created a multiplicity of small chiefdoms in order to facilitate tax collection, often dismantling large pre-colonial polities in the process.’<sup>19</sup> The concept of chiefs and paramount chiefs was entrenched further as a result of the Hut Tax War of 1898. The Protectorate Ordinance, which established the Sierra Leonean Protectorate in 1896, also proposed a taxation scheme for the provinces:

Every owner of a habitable house in the Protectorate was, from January 1 1898, to be liable henceforth to an annual tax of five shillings, and for houses of four rooms or more, ten shillings; whilst every village whose number of houses was under twenty no tax would be

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<sup>13</sup> Author interview with Paramount Chief Amara Bonya Vangahun, Nongowa Chiefdom, Kenema District, 20 March 2009.

<sup>14</sup> C. Magbaily Fyle, *The History of Sierra Leone* (London: Evans Brothers, 1981), 56-57.

<sup>15</sup> Earl Conteh-Morgan and Mac Dixon-Fyle, *Sierra Leone at the End of the Twentieth Century* (New York, NY: Peter Lang, 1999), 18-19.

<sup>16</sup> A.P. Kup, *Sierra Leone: A Concise History* (London: David and Charles, 1975), 168-172.

<sup>17</sup> The entirety of Sierra Leone outside of the Western Area (where Freetown is located) is divided into 149 chiefdoms. See the maps of Sierra Leone provided at the beginning of the thesis.

<sup>18</sup> Christopher Fyfe, *A Short History of Sierra Leone* (London: Longmans, 1962), 136.

<sup>19</sup> Richard Fanthorpe, “Locating the Politics of a Sierra Leonean Chiefdom,” *Africa* 68, no. 4 (1998): 559.

imposed. The amount could either be paid in cash or kind, that is, one bushel of rice or one bushel of palm kernels, taken at its trade value, as equivalent to cash.<sup>20</sup>

Some chiefdoms refused to participate ‘in what they perceived to be the demeaning exercise of tax collection for a higher political authority’.<sup>21</sup> Whilst chiefs were entitled to keep part of the tax, the majority was for the British administration, and specifically the building of a railway network in Sierra Leone, which would facilitate commerce.<sup>22</sup> It has been suggested that many chiefs were not aware that in signing the treaty that turned the provinces into a Protectorate, they were handing control of their territory and subjects over to the British.<sup>23</sup> It is entirely plausible that many chiefs assumed the treaty was similar to many of the friendship treaties that they had signed in the past – which stipulated that the British would protect them from other colonial powers (the French were aggressively pushing into modern-day Sierra Leone throughout the 1800s) and they in turn would facilitate trade with the Freetown Colony.<sup>24</sup> The imposition of the Hut Tax was thus the first instance in which chiefs were made aware that their power would henceforth be transformed. A rebellion (often overlooked in British colonial histories) was launched by various traditional leaders and ultimately suppressed by the British. Those leaders who agreed to the tax and facilitated British administration, or who ‘replaced’ (at British discretion) executed recalcitrant leaders, were recognised as chiefs.<sup>25</sup> ‘For organisational and administrative purposes they [the British] divided the protectorate into many small “chiefdoms” each governed by a “paramount chief”,<sup>26</sup> with town and section chiefs under them.’<sup>27</sup> Henceforth paramount chiefs were derived from two or three ‘ruling houses’ (particular families, at times selected by the British) in each chiefdom and served for life, thus making paramount chieftaincy a largely hereditary title.<sup>28</sup> Yet, as Richard Fanthorpe explains:

It has ... been shown that British officials’ assumption that pre-colonial chiefship was a

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<sup>20</sup> H. Osman Newland, *Sierra Leone: Its People, Products and Secret Societies* (London: John Bale, Sons & Danielsson, 1916), 106-7.

<sup>21</sup> William Reno, *Corruption and State Politics in Sierra Leone* (Cambridge: Cambridge University Press, 1995) 37.

<sup>22</sup> Krijn Peters, “Footpaths to Reintegration: Armed Conflict, Youth and the Rural Crisis in Sierra Leone,” (PhD diss., Wageningen University, 2006), 28.

<sup>23</sup> Fyfe, *A Short History of Sierra Leone*, 136.

<sup>24</sup> *Ibid.*

<sup>25</sup> Peters, “Footpaths to Reintegration,” 28.

<sup>26</sup> *Ibid.*

<sup>27</sup> See maps provided on page v, which depict the Northern, Southern and Eastern provinces (formerly the Protectorate) divided into 149 chiefdoms.

<sup>28</sup> Peters, “Footpaths to Reintegration,” 28; Fyfe, *A Short History of Sierra Leone*, 136; Fyfe, *The History of Sierra Leone*, 57; Arthur Abraham, *Mende Government and Politics Under Colonial Rule* (Freetown: Sierra Leone University Press, 1978), 274.

hereditary estate, owned by ‘ruling families’ (or ‘houses’), sometimes had little historical basis. Furthermore the early British administration was not averse to promoting men – and occasionally women – to paramount chiefship on the basis of willingness to collaborate rather than previous political status.<sup>29</sup>

The hereditary title of chieftaincy was a British misunderstanding, based upon customary practices of some communities in Sierra Leone, but not the majority. The broader idea that chieftaincy is a traditional custom derived from local precedent is also a misunderstanding and only true insofar as it is a little over 100 years old and introduced through coercive colonialism as much as independent cultural evolution.<sup>30</sup> As Paul Jackson notes, ‘[i]n other words, paramount chiefs are only traditional in so far as the British labelled them as such.’<sup>31</sup>

Colonialism augmented the role and powers of chiefs in an enduring manner. During this time the administrative functions of the chiefs expanded to include new powers. In 1901 chiefdom police were approved and ‘charged with preserving law and order’ in the provinces.<sup>32</sup> In 1902 the colonial government recognised chiefdom courts, which administered customary law. William Reno, highlighting the impact of this change, notes that it ‘gave chiefs explicit state approval to implement forced labour and impose sanctions against those challenging their chiefly authority. Other “reforms” allocated chiefs broad powers to enforce their decisions with little local control or accountability.’<sup>33</sup> These functions were added to further throughout the 1930s so that:

chiefs became everything from “health authorities” (1931), to “education officers” (1935), to enhanced “court magistrates” (1937). Crucial for their later influence over informal diamond markets, chiefs were given greater legal powers over alienation of land, control of settlement and local immigration.<sup>34</sup>

Many of these colonial-era responsibilities remain in the modern chieftaincy system. Contemporary chiefs have a variety of functions and wield considerable power. As Sawyer notes, ‘chiefs still retain strong support in underpinning rural communities and protecting citizens in a country that has a history of centralised governance and abuses of bureaucratic

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<sup>29</sup> Fanthorpe, “Locating the Politics of a Sierra Leonean Chiefdom,” 559.

<sup>30</sup> Fyfe, *A Short History of Sierra Leone*, 136; Fyfe, *The History of Sierra Leone*, 57; Abraham, *Mende Government and Politics Under Colonial Rule*, 274.

<sup>31</sup> Paul Jackson, “Chiefs, Money and Politicians: Rebuilding Local Government in Post-War Sierra Leone,” *Public Administration & Development* 25, no. 1 (February 2005): 53.

<sup>32</sup> Reno, *Corruption and State Politics in Sierra Leone*, 37.

<sup>33</sup> *Ibid.*, 37-38.

<sup>34</sup> *Ibid.*, 46.

power.’<sup>35</sup>

Having been administered separately, the Colony and Protectorate, together constituting modern-day Sierra Leone, were only united ten years prior to independence under a 1951 constitution.<sup>36</sup> This division between the capital and the provinces was historically kept in place not only geographically, but ethnically, with Freetown being settled by Creole or *Krio* freed slaves, whilst the interior was constituted by various local ethnic groups, predominantly the *Mende* and *Temne*. Whilst Freetown is now substantially more multi-ethnic, the capital-province divide remains and, as Jackson notes ‘has led to a continued juxtaposition of state police and chiefdom police, magistrate’s courts and customary courts, national tax and chiefdom tax, etc.’.<sup>37</sup> Since independence, this bifurcation has meant that the provinces continue to be a governance afterthought as national governments prioritise the needs and interests of the wealthier and more economically active capital and its immediate surrounds. This was most evident under President Siaka Stevens, who increasingly centralised authority under a one-party state. As Jackson notes, ‘since independence from Britain in 1961, the main feature of Sierra Leone’s political system has been increasing centralisation of power and resources in Freetown. An integral part of this was Siaka Stevens’ abolition of local government in 1972.’<sup>38</sup>

Centralisation resulted in government policy becoming increasingly irrelevant to the provinces, determined as it was in Freetown for Freetown concerns. As a former RUF fighter explained, the rationale of the government was that ‘if Freetown has light, Sierra Leone has light’ (referring to the country’s intermittent power supply).<sup>39</sup> The provinces were thus increasingly removed from the centre and relied more heavily upon the chieftaincy system, which was inherited by the Sierra Leonean Republic from the colonial period at independence. This, in turn, increased the relative power of the provincial chiefs, who were left to their own devices so long as their actions did not negatively impact on the government in Freetown.<sup>40</sup> Richard Fanthorpe suggests:

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<sup>35</sup> Sawyer, “Remove or Reform?,” 388.

<sup>36</sup> Michael S. Kargbo, *British Foreign Policy and Conflict in Sierra Leone, 1991-2001* (Bern: Peter Lang, 2006), 59.

<sup>37</sup> Jackson, “Chiefs, Money and Politicians,” 50.

<sup>38</sup> Jackson, “Reshuffling an Old Deck of Cards?,” 102.

<sup>39</sup> Author interview with Members A, Promoters of Peace and Justice Freetown, 16 February 2009.

<sup>40</sup> Tunde Zack-Williams, “Introduction: Africa at the Millennium,” in *Africa in Crisis: New Challenges and Possibilities*, eds. Tunde Zack-Williams, Diane Frost and Alex Thomson (London: Pluto Press, 2002), 2.

The colonial divide between colony and protectorate, and concentration of state and service activity in Freetown, has left chiefs in Sierra Leone in a stronger political position than many of their counterparts in other West African countries. ‘Straddling’ chieftdom and state politics remains the foundation of many political careers in Sierra Leone.<sup>41</sup>

The portfolio of these uniquely powerful chiefs can be divided into four key areas of responsibility: taxation; law and order; culture; and land. Together, these substantial areas of authority demonstrate the power and centrality of chiefs to the daily affairs of provincial Sierra Leoneans.

### *Taxation*

Taxation is, understandably for chiefs, one of the most important of their powers, as it provides the basis of chiefs’ incomes and the salaries of their staff. Chieftain authority to levy taxes has been historically contentious, with the Hut Tax War threatening these powers during colonialism.<sup>42</sup> Ongoing centralisation of state power in Freetown from independence in 1961 to the end of the civil war in 2002 allowed chiefs to exercise their powers with little outside interference. With the recognition, however, that poor governance, particularly of the provinces, by the state was a cause of conflict, the central government has sought to decentralise its powers to Local or District Councils (formerly abolished by Siaka Stevens in 1972).<sup>43</sup> This has resulted in chiefs and the Councils operating overlapping jurisdictions, and has created tensions in some areas such as taxation and finance. As Paul Jackson notes, ‘[l]ocal government finance has never really been a ‘sexy’ subject. However in Sierra Leone, the financial structure of local government has become a burning issue in so far as it links traditional chiefs [and] modern local government.’<sup>44</sup>

The new Local Government Act (2004) is the formal legislation that brings chiefs into state government. In doing so, however, it creates space for probable conflict between chiefs and Councils. As Jackson explains:

One of the most contentious issues, which will undoubtedly lead to conflict in some areas is

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<sup>41</sup> Fanthorpe, “On the Limits of Liberal Peace,” 40.

<sup>42</sup> There are new threats to these powers in the post-conflict period, with the Government of Sierra Leone attempting to mediate chiefs’ powers to extract taxes.

<sup>43</sup> There are also efforts underway within civil society to reform the chieftaincy system, most notably led by the Sierra Leonean NGO, Campaign for Good Governance (CGG). CGG, in conjunction with other NGOs have lobbied for chieftaincy reform resulting in the Chieftaincy Reform Act 2009, which clarifies the roles and limits of chieftaincy power. Government of Sierra Leone, “The Chieftaincy Act,” 2009, <http://www.sierra-leone.org/Laws/2009-10.pdf>, accessed 17 December, 2009.

<sup>44</sup> Jackson, “Chiefs, Money and Politicians,” 49.



the collection of the local tax. This is a poll tax levied on every adult. Historically this has been set centrally at 500 Leones a year (around 20 US cents) and collected by the chiefs. Under the new law, the tax is still collected by the chiefs, but they share the tax with the local government, following the pre-1972 system. In addition the setting of the level of tax is now a district-level decision. In other words, the district sets the tax level, the chief collects it, and then they share the proceeds (there are no guidelines about how to allocate shares in the Act).<sup>45</sup>

There is a division, then, within the taxation system that renders it both a modern government and traditional chieftaincy power. To some extent this linking of chiefs and government is meant to ensure taxation is more accountable and consistent than the days when chiefs had relatively unfettered taxing authority. Yet by splitting the taxation process, ample room is left for malpractice. For instance, Councils may set the tax rate at 500 Leones per head. Chiefs may then collect tax at a rate of 550 Leones per head, making a profit on the side. Or, as Jackson suggests:

If a tax collector or government inspector attempts to estimate the amount of head tax due from an area, he is forced to ask the local headman. The local headman will under-report the population and therefore the amount due. There are no accurate population records so no checks can be performed. The headman will then collect the correct amount of tax from each individual and pocket the difference, or divide it with the chieftom treasurer.<sup>46</sup>

Chiefs can justify such behaviour on the basis that they are now made to share tax with the Local Councils (the central government in Freetown declared that Councils should be financially self-sustaining as of 2008).<sup>47</sup> Chiefs claim that this has decreased their funds and they are now unable to pay themselves or their staff adequately. One paramount chief insisted there is only enough money to pay his staff for two months of each year.<sup>48</sup> Through taxation, chiefs thus continue to serve their own conventional purpose within the community (in collecting taxes to cover the costs of the services they provide), while also contributing (not necessarily voluntarily) to formal government structures. The dual authority for taxation clearly incorporates chiefs into the formal government through the Local Councils, although not without tension. The traditional tax collection authority of the chiefs may have been modernised, but the power still also remains vested in the chieftaincy institution and thus provides chiefs with a key governance function.

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<sup>45</sup> Ibid, 56.

<sup>46</sup> Ibid, 54.

<sup>47</sup> Adams Sanpha Kargbo, "Fiscal Decentralization: Building the Financial Capacity of Local Governments," in *Decentralisation, Democracy and Development: Recent Experience in Sierra Leone*, ed. Yongmei Zhou (Washington, DC: World Bank, 2009), 17.

<sup>48</sup> Author interview with Paramount Chief Mohammed Tshombe Kargoi the 2<sup>nd</sup>, Wunde Chieftom, Bo District, 19 March 2009.

### *Law and Order*

Linked to revenue raising activities, chiefs are also responsible for justice, law and order within their chiefdoms. Chiefs interviewed for this thesis reiterated law and order as their central purpose, alongside maintenance of culture and tradition.<sup>49</sup> There are several mechanisms through which chiefs fulfil this conventionally state-based function (conventional, that is, according to Western practices). The most visible of the justice systems in the provinces are the Local Courts (the courts that arbitrate on customary law outside of Freetown, where formal English law predominates), applying to approximately 70 – 80 per cent of Sierra Leoneans.<sup>50</sup> Chiefs do not technically wield power within the Local Courts. Since 1963 Court Chairmen have been nominated by chiefs as arbiters for these Courts, and are meant to be confirmed by the government, through the Minister for Local Government.<sup>51</sup> However, in practice, a ‘cabinet’ of the paramount chief and eight section chiefs ‘recommend’ a person to the government, and this has rarely (if ever) been rejected.<sup>52</sup> The paramount chief also acts as an ‘adviser’, and appoints four other ‘court members’ to advise the selected Local Court Chairman.<sup>53</sup> In this sense, chiefs can be seen to select the Court Chairmen themselves, and ensure a strong role for themselves in determining the nature of justice that the Courts deliver. One of the paramount chiefs interviewed indicated how important it is that chiefs retain this power (as moves are now afoot to shift this power of selection to the judiciary under a Local Courts Bill, yet to be debated by Parliament).<sup>54</sup> He claims that the ‘cabinet’ of chiefs know their subjects and are able to determine which of them understands the local culture and is aware of the ancestry of the land (important in resolving land disputes), in a way that the government or judiciary does not.<sup>55</sup> This means that the chiefs are able to determine which person will best serve the community, based upon a high level of local knowledge, unfathomable to outsiders.

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<sup>49</sup> Ibid; Author interviews with Paramount Chief Amara Bonya Vangahun, Nongowa Chiefdom, Kenema District, 20 March 2009; and Chief Lansana Ngombulango, Kenema, 20 March 2009.

<sup>50</sup> Author interview with John Magbity, Primary Justice Manager, Justice Sector Development Programme, 8 April 2009.

<sup>51</sup> Ibid; Author interview with Paramount Chief Amara Bonya Vangahun, Nongowa Chiefdom, Kenema District, 20 March 2009.

<sup>52</sup> Author interview with Paramount Chief Amara Bonya Vangahun, Nongowa Chiefdom, Kenema District, 20 March 2009.

<sup>53</sup> Ibid; Clare Castillejo, “Building Accountable Justice in Sierra Leone,” Working Paper 76, FRIDE, January 2009, 2.

<sup>54</sup> Personal correspondence with Peter Viner, Coordinator, Justice Sector Development Programme, 21 January 2010.

<sup>55</sup> Author interview with Paramount Chief Amara Bonya Vangahun, Nongowa Chiefdom, Kenema District, 20 March 2009.

Local Courts offer a more accessible form of justice to most Sierra Leoneans than the formal court system (according to the Sierra Leone Bar Association there are only seven lawyers in private practice outside of Freetown).<sup>56</sup> They are widely perceived to be cheaper than the formal court system, although as Clare Castillejo discovered in researching the justice system in Sierra Leone:

The customary justice system is also expensive. While citizens must pay a substantial fee in order to bring a case before the local courts, by far the biggest costs are the fines levied by these courts. In all the districts visited, it was reported that local courts often levy exorbitant fines, well beyond the limits of their legal mandate. Those who are unable to pay these fines must either leave the chiefdom or serve time in prison. It is clear that court fines are a major source of income for local courts and chiefdoms.<sup>57</sup>

Excessive fines were a key grievance of many who participated in the civil war and there is little evidence to suggest that they are decreasing in the post-conflict environment.<sup>58</sup> Technically the jurisdiction of Local Courts is limited to cases where claims are not more than 200 Leones (although confusion exists as to the exact amount), and over crimes that carry a penalty of less than six months in prison.<sup>59</sup> However, these limits are not apparently understood in practice. As Castillejo again notes:

It was widely reported that customary courts often adjudicate on cases that are beyond their jurisdiction and should be sent to the formal courts, thereby denying people the justice process that they are entitled to and a justice outcome that is in line with the national legislation and constitutional rights that the formal courts must uphold.<sup>60</sup>

Alongside the Local Court system, which is constitutionally enshrined, chiefs also operate a more arbitrary (and technically illegal) conflict resolution function. If one of their subjects is in dispute with another over a relatively minor matter – a small sum of money, an ongoing argument, fighting or other bad behaviour, the matter may be taken to the chief, rather than the Local Court.<sup>61</sup> This process is quicker and generally less costly (depending on the resulting fine). Unlike the Local Courts, users do not have to pay for travel (each village has

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<sup>56</sup> Castillejo, “Building Accountable Justice in Sierra Leone,” 6.

<sup>57</sup> Ibid, 5.

<sup>58</sup> Jackson, “Chiefs, Money and Politicians,” 54; Johanna Boersch-Supan, “Intergenerational Conflict in Post-Conflict Sierra Leone,” Paper presented at the African Studies Association United Kingdom Conference, Oxford, United Kingdom, 16-19 September 2010.

<sup>59</sup> Castillejo, “Building Accountable Justice in Sierra Leone,” 2; Ryann Elizabeth Manning, “Landscape of Local Authority in Sierra Leone: How ‘Traditional’ and ‘Modern’ Justice and Governance Systems Interact,” in *Decentralisation, Democracy and Development: Recent Experience in Sierra Leone*, 133.

<sup>60</sup> Castillejo, “Building Accountable Justice in Sierra Leone,” 7-8.

<sup>61</sup> Bruce Baker, “Who Do People Turn to for Policing in Sierra Leone?,” *Journal of Contemporary African Studies* 23, no. 3 (2005): 380.

its own chief but not necessarily a Local Court), accommodation and the travel and accommodation costs of witnesses. In this instance, subjects generally only have to (literally) pay their respects – either through a small fee, food or in-kind payment.<sup>62</sup> The chief will then settle the dispute after speaking to the relevant parties. Determinations are not based on any fixed law or jurisdiction, but a loose customary code that differs from chiefdom to chiefdom.<sup>63</sup> Chief's justice generally results in a fine for one or both of the parties.<sup>64</sup> The problem, it seems, arises with the level of the fines, which many argue are unnecessarily high.<sup>65</sup> The chiefs retort that the fines need to be high in order to have their 'disciplining' and 'deterrent' effect.<sup>66</sup> Small fines, it is argued, would not be as useful in achieving this.

Chiefs are assisted in their law and order duties by chiefdom police who act as Local Court attendants and carry out the chief's business (summoning people to the chief or Court for instance). One paramount chief claimed that the chiefdom police are 'the backbone of security in their communities.'<sup>67</sup> Yet the chiefdom police have been sidelined by the government and international donors alike. While the Sierra Leone Police (SLP) have been through a comprehensive reform programme, the chiefdom police are not trained and have no uniforms or weapons.<sup>68</sup> Chiefs have the impression that they are completely disrespected.<sup>69</sup> Their role in Sierra Leonean society remains somewhat ambiguous and little could be gleaned from interviews about their purpose. It seems that they formerly carried out general policing functions, when state police were either sparsely spread across the provinces, or uninterested in policing duties, as occurred in the lead up to and during the war. It was suggested in an interview with a Paramount Chief that chiefs and their staff (principally the chiefdom police) previously suffered less interference in carrying out their law and order duties according to their own practices.<sup>70</sup> The better trained and funded SLP are now seen to have trespassed onto these 'traditional' roles.

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<sup>62</sup> Author interview with Paramount Chief Mohammed Tshombe Kargoi the 2<sup>nd</sup>, Wunde Chiefdom, Bo District, 19 March 2009.

<sup>63</sup> Author interview with Justice Fofana, Justice of the High Court of Sierra Leone, 10 March 2009.

<sup>64</sup> Author interview with Paramount Chief Mohammed Tshombe Kargoi the 2<sup>nd</sup>, Wunde Chiefdom, Bo District, 19 March 2009.

<sup>65</sup> Peters, "Footpaths to Reintegration," 34-37.

<sup>66</sup> Author interview with Paramount Chief Mohammed Tshombe Kargoi the 2<sup>nd</sup>, Wunde Chiefdom, Bo District, 19 March 2009.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid. Although, as is dealt with in chapter four, efforts are now underway to rectify this as part of DFID's Justice Sector Development Programme.

<sup>69</sup> Author interview with Paramount Chief Amara Bonya Vangahun, Nongowa Chiefdom, Kenema District, 20 March 2009.

<sup>70</sup> Author interview with Paramount Chief Mohammed Tshombe Kargoi the 2<sup>nd</sup>, Wunde Chiefdom, Bo District, 19 March 2009.

Finally, chiefs also carry out law, order and justice functions through controlling the movements of people through their chiefdoms. As individuals become ‘strangers’, that is, move outside of their own chiefdom, they are expected to inform the chief in any chiefdom they enter of their presence and intentions.<sup>71</sup> In this way, chiefs exercise a kind of immigration official role – maintaining order through an omniscient knowledge of the demography of their chiefdom at any given time. Given that strangers are perceived as less reliable than those indigenous to a chiefdom, as their ancestry and (tied to this) their character are unknown, chiefs must keep a close eye on the newcomers.

### *Custodians of Culture*

Chiefs are frequently referred to in Sierra Leone as the custodians of culture.<sup>72</sup> This appears to be the role that most Sierra Leoneans associate with their ‘traditional’ leaders. They are seen as the link between the ancestors and traditional cultural practices of the past and the present. This is most clear in the chief’s patronage of the two main secret societies in Sierra Leone – the *poro* and the *sande* (or *bundu*).<sup>73</sup> These are, respectively, the initiation societies for males and females. They involve up to three months in the bush with society leaders who teach the youths of adult ways of life and perform ritual ceremonies, such as clitoridectomy (female circumcision).<sup>74</sup> The majority of Sierra Leoneans in the provinces go through the societies’ initiation practices (it is estimated that 94% of those eligible in provincial Sierra Leone join a secret society<sup>75</sup> and the prevalence of the societies continues to be noted in the literature).<sup>76</sup> These rituals are highly secretive and mark a rite of passage which prepares initiates for adult life and marriage.<sup>77</sup> Stephen Ellis and Gerrie Ter Haar note the historical and continuing

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<sup>71</sup> Ibid.

<sup>72</sup> Author interviews with Justice Fofana, Justice of the High Court of Sierra Leone, 10 March 2009; Dr Osman Gbla, Dean of Faculty of Social Science and Law, University of Sierra Leone, 3 March 2009; and Marcella Macaulley, Campaign for Good Governance, 1 April 2009.

<sup>73</sup> Secret societies are complex spiritual sodalities which function as mechanisms of social control, carrying out initiation ceremonies and conflict resolution, as well as providing a forum for communication with the spiritual realm. Secret societies are closed to foreigners and research on them is thus sparse and vague. For further reading on secret societies see: Stephen Ellis, *The Mask of Anarchy* (London: Hurst & Co., 1999), 34; 220-244; Stephen Ellis and Gerrie Ter Haar, *Worlds of Power: Religious thought and political practices in Africa* (London: Hurst & Co., 2004), 77-78; and Caroline Bledsoe, “The Political Use of Sande Ideology and Symbolism,” *American Ethnologist* 11, no. 3 (August 1984): 455-472.

<sup>74</sup> Ellis, *The Mask of Anarchy*, 224; Bledsoe, “The Political Use of Sande Ideology and Symbolism,” 455-472.

<sup>75</sup> BBC News, “Sierra Leone Anger at FGM Asylum in UK,” 19 October, 2006, <http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/Africa/6065682.stm>, accessed 17 August, 2009.

<sup>76</sup> Bledsoe, “The Political Use of Sande Ideology and Symbolism,” 458; Owen Alterman et al, “The Law People See: The Status of Dispute Resolution in the Provinces of Sierra Leone in 2002,” National Forum for Human Rights, Freetown, Sierra Leone, January 2003, 33; Manning, “Landscape of Local Authority in Sierra Leone,” 116.

<sup>77</sup> Mariane C. Ferme, *The Underneath of Things: Violence, History and the Everyday in Sierra Leone* (Berkeley: University of California Press, 2001), 177; Ellis and Ter Haar, *Worlds of Power*, 78.

power of secret societies:

In those areas of West and Central Africa that generally had no bureaucratic form of government before colonial times, secret societies often played an important part in politics and governance in the broadest sense. In many cases, the establishment of Christianity and bureaucratic government in colonial times has not led to these secret societies fading into insignificance but rather to their incorporation into modern systems of rule.<sup>78</sup>

As the guardians of the secret societies, chiefs preside over an important cultural institution which is a formative aspect of most Sierra Leoneans' lives. This relationship between the chiefs and the secret societies has a long history. As Northcoate Thomas notes in his 1916 anthropological study, '[t]here is a clear relation between the chieftainship and the *Poro* society ... [its] function is, among other things, to maintain the chief's authority. So close is the connection that chiefs may be spoken of as ... *Poro* chiefs.'<sup>79</sup> Further, Jackson highlights the important role played by chiefs in the secret societies:

An additional consideration is the relationship between chieftaincy and the secret societies. The subtleties of most secret societies are a closed door to most researchers, but their influence is a constant in Sierra Leonean politics. To stand as a paramount chief, one has to be a member, and in the *Temne*, *Loko*, *Limba*, *Susu*, *Koranko* and *Yalunka* tribes, the paramount chief is both the spiritual and the political authority over the chiefdom. It is also commonly asserted that critical governance issues have been decided by the secret societies.<sup>80</sup>

The significance of the societies' teaching to many Sierra Leoneans also renders it a manner of cultural education. In many instances, this may constitute the 'finishing school' for many youths who have received only several years of primary education. Further, secret societies operate as informal justice mechanisms, resolving disputes between initiates and within the community.<sup>81</sup> Drawing upon focus group discussions held throughout Sierra Leone, Magnus Jörgel and Mats Utas note that up to one third of Sierra Leoneans consider secret societies to play an important role in security provision and that the importance of the societies is increasing post-conflict.<sup>82</sup> This is particularly so of the *poro* society and is indicative of the patriarchal bias in Sierra Leone.

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<sup>78</sup> Stephen Ellis and Gerrie Ter Haar, *Worlds of Power: Religious Thought and Political Practices in Africa* (London: Hurst & Co., 2004), 79.

<sup>79</sup> Northcoate W. Thomas, *Anthropological Report on Sierra Leone: Part 1 Law and Custom* (London: Harrison & Sons, 1916), 143.

<sup>80</sup> Jackson, "Reshuffling an Old Deck of Cards?," 105.

<sup>81</sup> *Ibid.*

<sup>82</sup> Magnus Jörgel and Mats Utas, "The Mano River Basin Area: Formal and informal security providers in Liberia, Guinea and Sierra Leone" (Stockholm: Swedish Defence Research Agency, December 2007), 47.

The cultural estate of the chiefs is thus significant. They represent, perhaps more strongly than the state, the identity of many Sierra Leoneans. As Roger Tangri noted in the late 1970s:

The chiefdoms ... constitute the chief focus of loyalty for the vast majority of the people (80 percent of Sierra Leone's population live in chiefdoms). The individual is largely first and foremost a member of a chiefdom whose geographical limits are known, whose officials are often dealt with on a personal basis, and whose authority system is understood.<sup>83</sup>

Key contributors to more recent debates on Sierra Leone, such as Paul Richards and Richard Fanthorpe, also point to the importance of chiefdom-level politics in shaping the identities of Sierra Leoneans.<sup>84</sup> Cultural governance may not be a conventional governance portfolio but its resonance with many Sierra Leoneans is deeply embedded. Further, the secret societies carry out what can loosely be described as education and justice functions. Regardless of the desirability of such practices, these activities are an integral component of the governance and security architecture in Sierra Leone.

### *Land*

Finally, chiefs are the custodians of the land and, unlike land in the Western Area (what was the Crown Colony) their legal right to the land is inalienable, meaning that no other title can remove their absolute ownership (except in the case of some mining rights, which can fall under national jurisdiction).<sup>85</sup> This affords chiefs extensive powers in determining who may farm, mine or live on the land within their chiefdom and allows them to extract payment for such privileges. However, chiefs interviewed for this research explained that now they cannot legally remove land from a family if the family lawfully owns it (that is, if their ancestors owned it).<sup>86</sup> Their powers regarding the land now more frequently involve settling land disputes, as chiefs possess the historical knowledge of each of their subject's entitlements through ancestry.<sup>87</sup> They can, however, still extract payment for newly acquired land, and still receive royalties from mining companies operating within their chiefdom.<sup>88</sup> This ability to control land rights, determine ownership and charge for land usage represents an incredibly

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<sup>83</sup> Roger Tangri, "Central-Local Politics in Contemporary Sierra Leone," *African Affairs* 77, no. 307 (1978): 165.

<sup>84</sup> Paul Richards, "Agrarian Underpinnings of the Sierra Leone Conflict," in *Political Culture and Development in Africa*, ed. Preben Kaarsholm (Oxford: James Currey, 2006); Fanthorpe, "On the Limits of Liberal Peace."

<sup>85</sup> Jackson, "Chiefs, Money and Politicians," 53.

<sup>86</sup> Author interview with Paramount Chief Mohammed Tshombe Kargoi the 2<sup>nd</sup>, Wunde Chiefdom, Bo District, 19 March 2009.

<sup>87</sup> Ibid.

<sup>88</sup> Gershon Collier, *Sierra Leone: Experiment in Democracy in an African Nation* (London: University of London Press, 1970), 82; Walter Barrows, *Grassroots Politics in an African State: Integration and Development in Sierra Leone* (London: Africana Publishing Co., 1976), 22.

powerful chieftain function which has a significant impact on the people of provincial Sierra Leone. Peoples' entitlements to land are determined largely by their chiefs, rather than a government department.

These four-fold chieftain functions – taxation, law and order, culture and land – demonstrate the broad administrative powers that these informal actors wield. These roles ensure that chiefs' proximity to their subjects is significantly closer than that of the state, which has historically been at a remove from the provinces.<sup>89</sup> The failures in governance and justice that many, including DFID, have pointed to as the causes of the war, then, will be demonstrated below as not residing purely in the formal state structures in Freetown. Rather, these failures reside in the actual practices of governance, which for the majority of Sierra Leoneans means the chieftaincy system – through which they derive their law, order and justice, land rights and cultural identity and through which they pay their taxes.

The manner in which these functions have been carried out by chiefs have not been unproblematic and have, in fact, contributed to the grievances that led some to violently revolt against authority structures in Sierra Leone. In this sense, the chieftaincy system (alongside the state) can be seen to have failed. At one level, it has failed to provide a just social order. This may appear to be a normative judgment but it is also, as the following section reveals, an objectively observed phenomenon attested to by many Sierra Leoneans on all sides of the conflict. A just social order can thus be seen as a prerequisite of governance imposed by Sierra Leoneans. At another level, the chieftaincy system has also failed on its own terms. The chieftaincy system was instituted under colonialism, and has been retained throughout independence, to govern the provinces and to maintain order. Often this order has been maintained through oppressive and coercive practices – and thus might be said to have worked only too well. However, chieftaincy fails to fulfil its own purpose when such oppressive and coercive practices become sufficiently extreme as to undermine the maintenance of social order. By administering their chiefdoms without sufficient regard for justice or good governance, to the point that grievances led some to join a rebellion, the chieftaincy system has failed in its central purpose of maintaining order. These failures shall be examined here, providing a 'thicker' account of the causes of war and thus pointing to actors beyond the state as also being in need of reform.

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<sup>89</sup> Lansana Gberie, "Rescuing a Fragile State: The Case of Sierra Leone," in *Rescuing a Fragile State: Sierra Leone 2002-2008*, ed. Lansana Gberie (Waterloo, ON: Wilfred Laurier University Press, 2009), 10.



### **‘Thick’ causes of war**

Popular depictions of the causes of war in Sierra Leone centre on diamonds,<sup>90</sup> the inherent barbarism elicited by environmental degradation,<sup>91</sup> the materialistic desires of drug-addicted school dropouts<sup>92</sup> or (in DFID’s case) state failure.<sup>93</sup> These readings, however, are based on generalist logics or understandings that fail to resonate with particular lived experiences in Sierra Leone.<sup>94</sup> Such abstract arguments do not grasp the ‘very specific *political* origins’<sup>95</sup> of the conflict, which are crucial in understanding the motivations and goals of the RUF. The political origins of the war become apparent and convincing as a primary explanation of the conflict from an examination of secondary source material, as well as interviews with former-RUF fighters and representatives from civil society and the civil service in Sierra Leone. These political origins were consistently identified as issues of poor governance and injustice within the formal government of Sierra Leone, as well as within the systems of traditional leadership that supported it.<sup>96</sup> However, they differ from most of the more abstract arguments (that is, based on more generalisable logics than on context-specific experiences) by granting political motivations and real grievances to the rebels that are embedded in Sierra Leonean history. They are not answers that are transferable to other contexts (although certainly, the methodology of looking for locally and historically relevant causes is) but rather can explain with greater specificity the nature of the war in Sierra Leone. From the following account it is more apparent how violent conflict occurred and why it was largely staged within a rural context.

### *Grievances against the state*

The original RUF leaders were pan-Africanist, socialist-inspired youths, attempting to topple

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<sup>90</sup> Paul Collier, “Economic Causes of Civil War and their Implications for Policy,” in *Turbulent Peace: The Challenges of Managing International Conflict*, eds. Chester A. Crocker, Fen Osler Hampson and Pamela Aall (Washington, DC: United States Institute of Peace Press, 2001).

<sup>91</sup> Robert Kaplan, “The Coming Anarchy,” *Atlantic Monthly* (February 1994): 44-76.

<sup>92</sup> Ibrahim Abdullah, “Bush Path to Destruction: The Origin and Character of the Revolutionary United Front,” *Journal of Modern African Studies* 36, no. 2 (1998): 203-235.

<sup>93</sup> DFID, “Governance, Development and Democratic Politics: DFID’s work in building more effective states” (London: DFID, 2007), 11-12.

<sup>94</sup> For a fuller critique of some of these arguments see: Paul Richards, *Fighting for the Rainforest* (London: James Currey, 1996); Peters, “Footpaths to Reintegration.”

<sup>95</sup> Paul Richards, “Green Book Millenarians? The Sierra Leone War within the Perspective of an Anthropology of Religion,” in *Religion and African Civil Wars*, ed. Neils Kastfelt (London: Hurst & Co., 2005), 119 (my emphasis).

<sup>96</sup> Author interview with Members A, Promoters of Peace and Justice Freetown, 16 February 2009; Member B, Promoters of Peace and Justice Freetown, 3 March 2009; Member C, Promoters of Peace and Justice Freetown, 13 March 2009; and Members D, Promoters of Peace and Justice Bo, 17 March 2009.

the corrupt All Peoples' Congress (APC) government of Joseph Momoh.<sup>97</sup> Momoh was the appointed successor of Siaka Stevens, who had ruled Sierra Leone from 1968-1985 (from 1978 under one-party rule). The APC governments were widely recognised as having plundered the nation's assets and mineral wealth for personal gain, politicised the security forces to ensure regime security and, by the 1980s, given up on service delivery for the citizens they supposedly served.<sup>98</sup> In a telling example in 1980, the government spent close to the country's entire annual budget on hosting a week-long Organisation for African Unity (OAU) conference in the capital of Freetown.<sup>99</sup> This sort of irresponsible spending prompted labour and student union strikes which were violently (and at times lethally) suppressed by the government. Ongoing strikes throughout the 1970s and 1980s over poor work conditions and education opportunities led President Momoh to claim in 1984 that '[e]ducation is a privilege, not a right', further infuriating students nationwide.<sup>100</sup>

Poor governance at the state level is one of the key arguments employed to explain the war by former combatants, civil servants and civil society in Sierra Leone and is not inconsistent with the view taken by DFID.<sup>101</sup> According to one former-RUF fighter, after finishing teacher training college, he became disillusioned with the lack of job prospects and poor working conditions. Teachers were so poorly and inconsistently paid by the state that they 'became the laughing stock of this country'.<sup>102</sup> Their poverty became publicly discernible by their 'black power' footwear – sandals fashioned out of lorry tyres, and led to public ridicule.<sup>103</sup> The lack of respect teachers received, he believed, was directly attributable to the failure of the state to provide sufficient resources for education. His frustrations with the state played a key role in motivating him to join the RUF.

Alongside poor social services and inappropriate spending, the government and political elites

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<sup>97</sup> Peters, "Footpaths to Reintegration," 1.

<sup>98</sup> Gerald H. Smith, "The Dichotomy of Politics and Corruption in a Neopatrimonial State: Evidence from Sierra Leone, 1968-1993," *Issue: A Journal of Opinion* 25, no. 1 (1997): 58; Reno, *Corruption and State Politics in Sierra Leone*.

<sup>99</sup> Jimmy D. Kandeh, "Ransoming the State: Elite Origins of Subaltern Terror in Sierra Leone," *Review of African Political Economy* 26, no. 81 (September 1999): 352.

<sup>100</sup> Richards, *Fighting for the Rainforest*, 19; 36.

<sup>101</sup> Author interviews with Members A, Promoters of Peace and Justice Freetown, 16 February 2009; Dr Osman Gbla, Dean of Faculty of Social Science and Law, University of Sierra Leone, 3 March 2009; and Emmanuel Gaima, Coordinator, Decentralisation Secretariat, 6 March 2009.

<sup>102</sup> Author interview with Member C, Promoters of Peace and Justice Freetown, 13 March 2009.

<sup>103</sup> Ibid.

were also accumulating vast wealth from the diamond industry in Sierra Leone.<sup>104</sup> Systems of patrimonialism ensured that positions of power and opportunity were granted on the basis of personal connections, rather than on merit. This lack of meritocracy infected school and university placements as much as the labour workforce. As Jimmy Kandehe highlights:

Government scholarships to attend institutions of higher learning were routinely awarded not on the basis of academic merit but on the strength of a prospective student's patronage ties and ethnic identity. It was quite common, for example, for students who were admitted at Fourah Bay College [Sierra Leone's main university] to be denied scholarships while those receiving government scholarships failed to gain admission. This anomaly of 'admission without scholarship' and 'scholarship without admission' expressed precisely the sort of injustices that alienated the vast majority of Sierra Leonean youth.<sup>105</sup>

According to interviews with former rebels, many of them had been involved in student and labour groups from an early age – often centred on a socialist, pan-African ideology drawn from Libyan leader Colonel Qaddafi's *Green Book*.<sup>106</sup> They argued that the violent struggle of the RUF was a last resort for political change.<sup>107</sup> The military had attempted to overthrow the government in coup attempts but failed. The labour and student unions carried out strikes and riots throughout the 1970s and 1980s and had also failed to secure improved governance. The RUF's initial intention, it was claimed, was to carry on this work through force as a last resort.<sup>108</sup>

### *Grievances against the chieftaincy system*

Yet failure was not only plaguing the bureaucratic state. Upcountry in the provinces, chiefs and 'big men' kept patrimonialism in place through often arbitrary justice systems, land ownership, marriage licences and community labour that denied substantive justice and fermented grievances that ultimately led to conflict. If a youth committed an offence (perhaps disrespecting an elder), wanted to get married or start farming his own land, an indeterminate fee had to be paid to the local chief or patron.<sup>109</sup> These fees were at times exorbitant, with chiefs receiving ever-less money from the increasingly bankrupt central government.<sup>110</sup> This

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<sup>104</sup> Reno, *Corruption and State Politics in Sierra Leone*, 92.

<sup>105</sup> Kandehe, "Ransoming the State," 357.

<sup>106</sup> Author interview with Members A, Promoters of Peace and Justice Freetown, 16 February 2009. The *Green Book* was written by Libyan leader [Muammar al-Qaddafi](#) in 1975 and promotes alternative conceptions of democracy and political philosophy to Western liberal models. The books (a series of three) formed the basis of Qaddafi's Libyan cultural revolution and have been circulated widely throughout the developing world.

<sup>107</sup> Author interview with Member B, Promoters of Peace and Justice Freetown, 3 March 2009.

<sup>108</sup> Ibid.

<sup>109</sup> Jackson, "Chiefs, Money and Politicians," 54.

<sup>110</sup> Ibid, 53.

meant that youths were often not able to pay the fees or fines, allowing elders and the wealthy to exploit poor youth by commuting excessive fines or land and marriage fees to labour.<sup>111</sup>

Paul Richards and Caspar Fithen elaborate on other forms of injustice:

One instance was a system of imposing fines on young men (who could not afford to marry) for interfering with the wives of chiefly polygynists ('woman damage'). These fines were commuted into labour service, with the result that many young men found themselves continuing to work without wages on the farms of chiefs ... In recent discussions many villagers cite heavy fines – for various torts, including 'woman damage' ... as being among the main reasons why young men became 'outlaws' in the diamond fields, some later enrolling in the RUF.<sup>112</sup>

The link between such injustices and participation in the conflict is explained by Joe Alie. He states that '[i]n the provincial areas especially, young men suffered at the hands of corrupt and high-handed local authorities. Some of these aggrieved young men were later to return to their communities during the civil conflict to exact revenge on their former oppressors.'<sup>113</sup> Such injustices thus roused a desire for revenge on the part of those aggrieved.

### Slavery

These enforced social divisions based on age, wealth and status, were also steeped in a history of slavery, suggesting that these injustices, and the frustrations borne of them, were more longstanding than may first appear.<sup>114</sup> Richards suggests that there is a correlation between the prevalence of slavery and enrolment in the RUF, stating: 'Most of those who volunteered for the movement originated in the Gola Forest region and adjacent parts of Kailahun and Pujehun Districts – precisely the chiefdoms where domestic slavery lasted longest, and slaves were most numerous in forming agrarian capital.'<sup>115</sup>

The British Empire banned slavery in 1807, but this was not drafted into ordinances applying to the Sierra Leone Protectorate until 1926 – 1927, largely because colonial authorities were aware of the resistance with which abolition would be met by chiefs who relied upon unpaid labour for their wealth and status.<sup>116</sup> In Sierra Leone, domestic slaves were common in the

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<sup>111</sup> Richards, "Agrarian Underpinnings of the Sierra Leone Conflict," 193-4.

<sup>112</sup> Paul Richards and Caspar Fithen, "Making War, Crafting Peace," in *No War No Peace*, ed. Paul Richards (Oxford: James Currey, 2005), 122.

<sup>113</sup> Joe A.D. Alie, "Reconciliation and traditional justice: Tradition-based practices of the Kpaa Mende in Sierra Leone," in *Traditional Justice and Reconciliation after Violent Conflict*, eds. Luc Huyse and Mark Salter (Stockholm: International IDEA, 2008), 126.

<sup>114</sup> Ibid, 119; 122.

<sup>115</sup> Richards, "Agrarian Underpinnings of the Sierra Leone Conflict," 191.

<sup>116</sup> Ferme, *The Underneath of Things*, 81.

provinces, with some familial relationships (such as that between a nephew and his maternal uncle) replicating slave-master hierarchies.<sup>117</sup> In 1928 a District Commissioner assigned to the Protectorate noted the ‘calm bordering on indifference’ which greeted the anti-slavery laws.<sup>118</sup> This, it seems, was due to the rather ingenious rebranding of slavery by slave owners in Sierra Leone. As one chief clarified, ‘we don’t have slaves now, we have *cousins*.’<sup>119</sup> Mariane Ferme explains that:

not much had changed in the organisation of labour and social relations ... [I]n the interstices between marriage, slavery, and other relations, along the continuum of interdependence, were created spaces for the perpetuation of inequality under new guises, such as the familiar idiom of kinship that turned slaves into “cousins”.<sup>120</sup>

This new system of slavery blurred with the strong patrimonial culture in Sierra Leone whereby everyone ‘stands for’ somebody.<sup>121</sup> That is, everyone exists in a hierarchy of dependence and obligation based loosely on age, wealth and status. A client is subject to his patron and will work for, fight for, or otherwise support him.<sup>122</sup> The patron in turn is responsible to his clients, for example providing food, shelter or money for school fees or court fines.<sup>123</sup> Richards and Fithen argue that systems of patrimonialism can be seen to mirror slavery:

Patrimonialism tried to provide a (post-slavery) framework for the incorporation of young people less inclined to challenge the values of chiefly rule. The basic idea is that of forming an orderly queue for emancipatory resources ... Patrons are vertically linked. As Mende people say ‘no one stands by him or herself, everyone is behind someone’ (i.e. every local person enjoys the protection of a patron higher in the system).<sup>124</sup>

No relationships, it seems, escaped infiltration by patrimonial politics. Above, Ferme mentions how the ‘interstices between marriage’ provide room for slave-like relationships to emerge.<sup>125</sup> It is customary for a man to pay ‘bride price’ to the family of the bride, which may include presents for the bride, payment of her *sande* initiation costs,<sup>126</sup> work on her family’s

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<sup>117</sup> Ibid, 85.

<sup>118</sup> Quoted in Ibid, 81.

<sup>119</sup> Quoted in Roy Lewis, *Sierra Leone: A Modern Portrait* (London, H.M. Stationery, 1954), 67.

<sup>120</sup> Ferme, *The Underneath of Things*, 81.

<sup>121</sup> Richards and Fithen, “Making War, Crafting Peace,” 122.

<sup>122</sup> Caroline Bledsoe, “‘No Success without Struggle’: Social Mobility and Hardship for Foster Children in Sierra Leone,” *Man* 25, no. 1 (1990): 75.

<sup>123</sup> Ibid.

<sup>124</sup> Richards and Fithen, “Making War, Crafting Peace,” 122.

<sup>125</sup> Ferme, *The Underneath of Things*, 81.

<sup>126</sup> *Sande* (also existing by the name *Bundu* in certain parts of Sierra Leone) initiation is generally understood to provide training to girls in cooking, feminine hygiene, relations with husbands, sexual relations and childbirth. Traditional medicine and spiritual practices are involved in the training. See Ellis, *The Mask of Anarchy*, 34;

land or a percentage of the groom's own produce or profits.<sup>127</sup> A former RUF conscript demonstrates this problem of excessive obligation:

[In the village] elders ... force young men to marry ... as soon as we harvest our first ... palm fruits. If you refuse they cause more problems than being in the bush as a rebel. They charge you to court for smiling at a girl ... But the bride price is not reasonable. You will be required to do all sorts of physical jobs for the bride's family, like brushing<sup>[128]</sup> and making a farm for the family ... sharing the proceeds of your own labour, harvest or business ... You will be forced to give them seventy per cent [of your palm oil], or you will lose your wife and be taken to court ... Marriage is the same as slavery.<sup>129</sup>

Consequently, the manner in which youths were often linked, through fines, labour and marriage to their elders and chiefs is reminiscent of the slave/master relationships that saw young men unable to break free from the cycle of unpaid work. This system was at times manipulated to 'catch' young men, resulting in increased labour or fines owed to chiefs or patrons. Krijn Peters explains:

Chiefs have at times accepted many girls as wives from poorer families, seeking patronage or preference, and ... then encouraged these girls to find young paramours as a way of increasing the labour power at their disposal through the levying of fines for *woman damage*.<sup>130</sup>

At other times, this system of patrimonialism essentially invented infringements in order to keep young men in check and reinstate the hierarchy in which they exist on a low rung vis-à-vis older and wealthier men. Richards argues:

At times a charge was trumped up, because the elder needed labour, or a young man was known to have acquired some money by trading or growing a cash crop. Elders sometimes talked openly about 'squeezing dry' this or that young man for *fitiyai* ('arrogance'), resorting to some minor or imagined infringement of the customary (and unwritten) code. The fault might not be 'woman damage', but simply dressing too well, or having resources deemed inappropriate to junior status.<sup>131</sup>

It is not surprising, given the long history of these injustices that young men were eager to change the system.

### 'Strangers'

Many youths attempted to flee these injustices, or were forced out by community elders who

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220-244; and Bledsoe, "The Political Use of Sande Ideology and Symbolism," 455-472.

<sup>127</sup> Richards, "Agrarian Underpinnings of the Sierra Leone Conflict."

<sup>128</sup> Clearing land for planting.

<sup>129</sup> Quoted in Richards, "Agrarian Underpinnings of the Sierra Leone Conflict," 194.

<sup>130</sup> Krijn Peters, "Footpaths to Reintegration," 36.

<sup>131</sup> Richards, "Agrarian Underpinnings of the Sierra Leone Conflict," 194.

perceived them as troublesome or disrespectful, thus resulting in the migration of young and isolated individuals.<sup>132</sup> In Sierra Leone, those who come from outside a chiefdom are known as ‘strangers’ and accrue less rights and privileges (in terms of land, work and marriage) than those indigenous to the chiefdom.<sup>133</sup> These chiefdom rights are crucial as ‘the vast majority of rural Sierra Leoneans still obtain primary rights of residence, land use and political/legal representation as “natives” of chiefdoms, rather than as citizens of the state.’<sup>134</sup> Strangers are not known to the chiefdom through their ancestry, which plays a central role in ones’ identity and social standing in Sierra Leone. As Kris Hardin notes:

identity ... relies on an assortment of ritual actions that actually locate individuals in particular spaces by giving them rights, as well as obligations, to others who share those spaces. Where someone is born, where they join *Sande* or *Poro*, where their ancestors are buried, where they themselves will be buried work to limit the claims to identity and the rights and statuses available through the descent and kinship system. Rituals associating the individual with particular places are performed at critical junctures. These ritual acts tie individuals to particular places and to the ancestors associated with those places. In addition to legitimising rights to resources, such public demonstrations function in ways that supersede future personal claims by making it difficult for others to forget essential parts of an individual’s genealogy.<sup>135</sup>

This strong linking of identity to ancestry and birthplace meant that fleeing/expelled youths were regarded as an underclass with even less access to justice and equality than they would have been entitled to within their own chiefdom. For instance, ‘strangers’ have traditionally not been granted the right to vote in chieftaincy elections and are unable to purchase land or marry until such a time as the chief and local elders accept the stranger into the community.<sup>136</sup> This customary system has also been held in place by national legislation, through a 1972 amendment to the Protectorate Land Ordinance of 1927, which allowed paramount chiefs to distinguish ‘natives’ of their chiefdoms from ‘non-natives’ (or strangers) in regard to land rights.<sup>137</sup> Natives were viewed as possessing hereditary rights to local land, whereas non-natives would require leases to use chiefdom land.<sup>138</sup> The preference for natives over non-natives also forced ‘newcomers to make farms at a considerable distance from the main

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<sup>132</sup> Ibid, 193.

<sup>133</sup> Ferme, *The Underneath of Things*, 105-6.

<sup>134</sup> Richard Fanthorpe, “Humanitarian aid in post-war Sierra Leone: The politics of moral economy,” HPG Background Paper (London: Overseas Development Institute, February 2003), 58.

<sup>135</sup> Kris Hardin, *The Aesthetics of Action: Continuity and Change in a West African Town* (Washington, DC: Smithsonian Institution Press, 1993), 93.

<sup>136</sup> Ferme, *The Underneath of Things*, 105-106.

<sup>137</sup> Fanthorpe, “Locating the Politics of a Sierra Leonean Chiefdom,” 559-560.

<sup>138</sup> Richard Fanthorpe, “Neither Citizen nor Subject? ‘Lumpen’ Agency and the Legacy of Native Administration in Sierra Leone,” *African Affairs* 100, no. 400 (2001): 381.

settlement',<sup>139</sup> heightening their exclusion from the hub of community life. 'Stranger' status thus served to alienate many youths and forced others to the mining regions or urban centres, where populations were already considerably more mobile and distanced from chiefdom politics. It has been estimated that approximately one third of the total population of a Sierra Leonean village can be classed as strangers.<sup>140</sup> As Richard Fanthorpe notes:

This is a source of social exclusion that may have greatly exacerbated the rupture generated by state recession and the contraction of patrimonial networks. Modernised, educated and individuated youth, once jettisoned by contracting patrimonial networks, may have had little opportunity, let alone desire, to return to rural communities governed by chiefs. Readily recruited by belligerent groups on both sides, they were already primed to sow chaos by their double alienation.<sup>141</sup>

Thus, in the urban setting, youths were deprived of education and employment opportunities by a corrupt state. In the provinces, youths were forced to work the land of their elders, unable to cultivate their own land in order to make money to pay bride price and establish their own families or opportunities. In both instances, youth were marginalised from decision-making and positions of power and treated unjustly according to patronage rather than merit, leading to a rising discontent with the governance structures that oppressed them. As Richards and Fithen lay bare:

The contradictions between patrimonialism and meritocracy could be put no more clearly. The [RUF] movement appealed to those upon whom the brunt of patrimonial failure fell: young people in the diamond pits and failing schools ... The children of a political elite, fed by diamond wealth, enjoyed superior overseas education, while local schools fell apart and teachers remained unpaid. Cadres dreamed of a fairer, more inclusive system where hard work and ability would determine success.<sup>142</sup>

### *The need for chieftaincy reform*

It is not so surprising reading this history of Sierra Leone that issues of justice and governance at the chieftaincy as well as state level were consistently pointed to as key causes of war not just by former-RUF rebels, but also by many civilians. For instance, The Final Report of the Truth and Reconciliation Commission (TRC) determined that:

Successive political elites plundered the nation's assets, including its mineral riches, at the expense of the national good ... Many Sierra Leoneans, particularly the youth, lost all sense of hope in the future. Youths became easy prey for unscrupulous forces who exploited their disenchantment to wreak vengeance against the ruling elite ...

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<sup>139</sup> Ibid, 384.

<sup>140</sup> Peters, "Footpaths to Reintegration," 43.

<sup>141</sup> Fanthorpe, "Humanitarian aid in post-war Sierra Leone," 58.

<sup>142</sup> Richards and Fithen, "Making War, Crafting Peace," 123.



The Commission holds the political elite of successive regimes in the post-independence period responsible for creating the conditions for conflict.<sup>143</sup>

Referring explicitly to the chieftaincy system, the TRC goes on to note:

These institutions were perceived by the people in the Protectorate not to be progressive as they were dominated by Paramount Chiefs who were elected on a limited franchise by only the Tribal Authorities, to represent their Chieftdoms on the Councils. Feelings of disenfranchisement took root quite early in the Protectorate and contributed to a diminished sense of self-esteem and perception of enforced marginalisation, especially among the youths, which became a recurring theme as a cause of conflict.<sup>144</sup>

The argument that failures of governance and justice within both state and informal structures were causes of the war is also supported by the initial tactics employed by the RUF. These included targeting of chiefs and government personnel and property.<sup>145</sup>

Given the extreme uncertainty with which youths lived, with little or no education or employment opportunities, the prospect of long-term labour or financial commitments to elders and chiefs draining what little resources youths had and the reality of remaining locked in a system of patrimonialism where social mobility was checked by personal connections, many were looking for an alternative. This was given some shape through Qaddafi's vision of democracy promoted in his *Green Book* and the study groups that formed around it in the urban centres of Sierra Leone.<sup>146</sup> These ideologues were then able to recruit (albeit often by force) from the disenfranchised and disgruntled youth living in rural areas to whom pan-Africanist socialism appealed. Several of the former RUF rebels interviewed as part of this research had been abducted from rural areas by the RUF in the early stages of the war. While they admitted to at first being angry or frightened at their abduction, all of them claimed to have accepted the ideology and cause of the movement relatively quickly (over days or a couple of weeks at most) as it resonated with their experiences of injustice and poor governance.<sup>147</sup> One former rebel revealed how he was kidnapped by the RUF shortly after dropping out of school.<sup>148</sup> He had been given a scholarship to complete secondary school but at the end of his first year, the principal demanded he pay him in order to continue receiving

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<sup>143</sup> Truth and Reconciliation Commission for Sierra Leone, "Witness to Truth" 2, vol. 2 (2007): 25.

<sup>144</sup> Final Report of the Truth and Reconciliation Commission, quoted in Sawyer, "Remove of Reform?," 389.

<sup>145</sup> Jackson, "Chiefs, Money and Politicians," 54; David Keen, *Conflict and Collusion in Sierra Leone* (Oxford: James Currey, 2005), 41.

<sup>146</sup> Author interview with Members A, Promoters of Peace and Justice Freetown, 16 February 2009; Richards, "Green Book Millenarians?," 119.

<sup>147</sup> Author interview with Members A, Promoters of Peace and Justice Freetown, 16 February 2009.

<sup>148</sup> Ibid.

the scholarship. He refused (as he had no funds) and the scholarship was taken from him and given to another student, whose family was willing to pay for it. With no funds to remain in school, the former student was travelling to Liberia to visit a cousin who had offered financial assistance when the RUF captured him. Their grievances over poor governance, corruption and injustice spoke directly to his own experiences and he became an enthusiastic recruit.<sup>149</sup> These findings fit with those of Krijn Peters and Paul Richards, who have determined that ‘[a]bductees cooperated with the movement to save their lives, but some found the movement’s analysis of the breakdown of Sierra Leonean society meaningful and accepted guerrilla training willingly.’<sup>150</sup> They go on to note more fully:

many under-age combatants joined up voluntarily ... some looking for revenge ... others to survive. Youngsters in a war zone find themselves “on the street” ... Joining a militia group is both meal ticket and substitute education ... The pay may be derisory ... but weapons training pays quicker dividends than school ever did; soon the AK47 brings food, money, a warm bath and instant adult respect ... The combat group substitutes for lost family and friends.<sup>151</sup>

Even some who fought with the SLA and CDFs recognise the underlying motivations of the RUF as deriving from the failure of patrimonial politics (which permeated both the state and chieftaincy system) to provide education and opportunities on an equitable basis.<sup>152</sup> Moreover, they view these as legitimate frustrations.<sup>153</sup>

Disillusionment with the chieftaincy system is apparent more widely within Sierra Leonean society as well. Fanthorpe notes the ‘deep grievances’ articulated by many rural Sierra Leoneans who support the maintenance of the chieftaincy system.<sup>154</sup> A DFID-funded community consultation records the following summary of findings in relation to heavy fines and abuses by chiefs:

This is an age-old problem in the community and is one of the main factors underlying the war. These heavy fines cause deep-seated grudges as well [as] force young people to flee as they are unable to pay. The chiefs in the community are not paid ... therefore, they find their living from conflict and the fines that it produces. Combining this practice with other malpractices that chiefs enjoy has made chiefs a target for victimisation by armed youth, as they themselves feel victimised by the authorities.<sup>155</sup>

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<sup>149</sup> Ibid.

<sup>150</sup> Krijn Peters and Paul Richards, “Why we Fight: Voices of youth combatants in Sierra Leone,” *Africa* 68, no. 2 (1998): 184.

<sup>151</sup> Ibid, 187.

<sup>152</sup> Ibid, 187; 195; Author interview with Members D, Promoters of Peace and Justice Bo (a mixture of former RUF, SLA, CDF and civilians), 17 March 2009.

<sup>153</sup> Author interview with Members D, Promoters of Peace and Justice Bo, 17 March 2009.

<sup>154</sup> Fanthorpe, “Humanitarian aid in post-war Sierra Leone,” 59.

<sup>155</sup> Quoted in Ibid.

Such concerns over the chieftaincy system are also recognised by the Government of Sierra Leone (GoSL). In a 1999 report published with the UNDP, GoSL notes that, on the basis of community consultations ‘[t]he cry for reform in aspects of the institution of chieftaincy was overwhelming.’<sup>156</sup>

The causes of the war can be seen through this ‘thicker’ description to revolve around justice and governance issues. Specifically, the central government was perceived as culpable of failing to fund social services such as schools and healthcare.<sup>157</sup> The chieftaincy system supported the central government in return for mining licenses and ensured that access to resources and opportunities were regulated by wealthy elders who entangled youth upcountry into their profiteering through unpaid labour and the arbitrary chieftaincy justice system.<sup>158</sup> This poor governance and injustice was also rooted in longer histories of domestic slavery in Sierra Leone. Such a rationalisation of the RUF’s motivations in no way excuses or justifies the horrific violence that they unleashed upon the Sierra Leonean population. It also does not explain the increasingly random and wanton violence that the RUF resorted to later in the war.<sup>159</sup> Indeed, as the war continued, the RUF became seemingly divorced from their political message of egalitarianism and systematically brutalised the very people they claimed to be fighting for.<sup>160</sup> Rather, the argument here aims to get to the heart of the circumstances that led to conflict being perceived as a viable option for its participants, in order that such circumstances can be addressed to prevent future violence. In doing so, it points to significantly more structural and political problems than the popular and generalist explanations of the conflict, such as greed for diamonds or inherent barbarism suggest.

DFID’s approach to the causes of war in Sierra Leone revolved essentially around a state failure argument. The findings from the Sierra Leonean context above give greater specificity

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<sup>156</sup> Government of Sierra Leone and UNDP Report, quoted in Ibid.

<sup>157</sup> Hashim Gibrill, “The Disintegration and Restoration of State Authority in Sierra Leone,” in *Beyond State Failure and Collapse: Making the State Relevant in Africa*, ed. George Klay Kieh Jr. (Plymouth: Lexington Books, 2007), 180-182; Peters, “Footpaths to Reintegration,” 7.

<sup>158</sup> Jackson, “Reshuffling an Old Deck of Cards?,” 95-96; K. Maeve Powlick, “The Economics of Intrastate Conflict: Observations from the Case Study of Sierra Leone,” June 2007, <http://www.epsusa.org/publications/newsletter/2007/June2007/powlick.htm>, accessed 26 June, 2009; Richards, “Agrarian Underpinnings of the Sierra Leone Conflict,” 193.

<sup>159</sup> For an examination of RUF tactics see Keen, *Conflict and Collusion in Sierra Leone*.

<sup>160</sup> This transformation was apparent in interviewing some former-RUF rebels, who were unable to rationalise how their brutal tactics fit with their political goals, other than to claim that as the war went on and food shortages arose, the fighters needed to be fed in order to maintain the struggle, thus justifying the killing of civilians in order to take their food. Author interview with Member C, Promoters of Peace and Justice Freetown, 13 March 2009. See also Keen, *Conflict and Collusion in Sierra Leone*; and Richards, “Agrarian underpinnings of the Sierra Leone conflict”.

to that failure, but do not necessarily contradict the argument. Poor governance and injustice constitute key features of a failed state. In this sense, DFID has not been entirely off the mark in reading the Sierra Leonean situation. Yet understanding the war in terms of injustice and poor governance does not render only the central state culpable, but also informal structures such as the chieftaincy system that can be seen to have held in place many of the injustices discussed above. The problem then becomes not the ‘failure’ aspect of the DFID’s argument, but the ‘state’ component. DFID has not sufficiently understood the causes of the war because they have not understood the multiple layers at which breakdown has occurred. A former-RUF member suggested in an interview that part of the problem with post-conflict reconstruction efforts is that Western donors take a bureaucratic approach to governance, whereas Africans take a broader view.<sup>161</sup> His insight is apt – the grievances that instigated the war are not limited to failures of the central bureaucratic state. Rather, they are linked to and supported by failures elsewhere in the Sierra Leonean governance structure. Unless the UK can address failure at this level, as well as within the state, their reform efforts will be of limited success as they will not engage with the manner in which security and governance *actually operate* in Sierra Leone. The centrality of the chieftaincy system to the lives of the majority of Sierra Leoneans highlights the importance of reconfiguring understandings of governance to include informal practices, which impact directly on the central government and the Sierra Leonean population. Broadening the UK’s ‘state failure’ argument to include chieftaincy would ensure that it engages not only with the various sites of failure that have been pointed to as causes of the war, but also with the actual practices of governance, rather than with theoretical models of how they should work.

### **The state of state (and non-state) governance**

A common refrain in response to arguments that informal actors or forces require engagement and reform is that these entities will simply wither away as the state modernises.<sup>162</sup> This modernisation argument was popular in the 1960s and many donors continue to promote the idea that liberalisation will ultimately resolve problems in the developing world.<sup>163</sup> Yet arguments that informal practices are symptomatic of the fact that the state in Africa is not yet sufficiently liberalised or modernised neglect the entrenchment and utility of informal

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<sup>161</sup> Author interview with Member C, Promoters of Peace and Justice Freetown, 13 March 2009.

<sup>162</sup> Fanthorpe, “Post-war reconstruction in rural Sierra Leone?”

<sup>163</sup> The modernisation theory argument is best articulated by W.W. Rostow, *Stages of Economic Growth* (Cambridge: Cambridge University Press, 1960). For further reading on the liberal agenda of international development see Mark Duffield, *Global Governance and the New Wars* (London: Zed Books, 2001); and Rita Abrahamsen, *Disciplining Democracy* (London: Zed Books, 2000).

governance practices and writes them off as backward.<sup>164</sup> As Béatrice Hibou notes in relation to the economic sphere:

The interconnection of the formal and the informal is a deeply embedded feature of the way in which African economies are organised. Hence, informal and illegal economic behaviour cannot be considered solely as the consequence of insufficient liberalisation, since the real reasons for these things are more complex.<sup>165</sup>

The prevalence of informal actors, including the chieftaincy system, is also not likely to simply disappear with greater liberalisation – not least because of the interwoven nature of these informal actors and the state, both facets of the modern governance prism. They reflect Sierra Leone's take on modernity – combining imposed state structures with indigenous practices. As Ryann Manning notes, modern and 'traditional' governance mechanisms 'are actually integrated, interdependent, and even fused.'<sup>166</sup>

Chieftaincy and the state do not operate in isolated spheres of governance. Rather, they interact and impact upon each other, and in so doing spin further the web that binds them together as a governance system. For instance, the chieftaincy system is heavily relied upon by state politicians in order to secure votes and political support from constituents through allied chiefs.<sup>167</sup> The chieftaincy system has now also been incorporated into the state system through decentralisation efforts<sup>168</sup> and has the responsibility for collecting government tax, of which they receive a share. The role of the state has also altered the role of the chiefs by assuming, most controversially, greater responsibility for policing and justice, which chiefs traditionally saw as theirs.<sup>169</sup> Manning demonstrates the overlap between 'modern' and informal systems:

Local governance and justice in Sierra Leone involve a complex array of institutions and individuals, who draw their structure and legitimacy from a range of systems and heritages – customary, colonial, and modern – and interact with one another in a rich and sometimes unpredictable manner ... This process of mutual accommodation results in a hybrid system

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<sup>164</sup> Béatrice Hibou, "The 'Social Capital' of the State as an Agent of Deception," in *The Criminalisation of the State in Africa*, eds. Jean-François Bayart, Stephen Ellis and Béatrice Hibou, (Oxford: James Currey, 1999), 94.

<sup>165</sup> Ibid.

<sup>166</sup> Manning, "Landscape of Local Authority in Sierra Leone," 110-1.

<sup>167</sup> Jackson, "Reshuffling and Old Deck of Cards?," 101; Zack-Williams, "Introduction," 2.

<sup>168</sup> In recognising that state failure was a cause of the civil war, DFID has sponsored, along with the United Nations and other donors, decentralisation of local government in Sierra Leone. This work is overseen by the Public Sector Reform Programme and administered by the Decentralisation Secretariat. While the chieftaincy system is not directly engaged through decentralisation efforts, they are at times tangentially involved given, for instance, their role in tax collection.

<sup>169</sup> Author interview with Paramount Chief Mohammed Tshombe Kargoi the 2<sup>nd</sup>, Wunde Chiefdom, Bo District, 19 March 2009.

different from what was intended by either in isolation.<sup>170</sup>

The colonial-imparted state is now not merely a foreign, non-African beast. Whilst its skeleton might always hark from a European closet, it has since been fleshed out with indigenously African practices.<sup>171</sup> The beast, then, is quite a unique one. This is not to say that the state in Africa is therefore unproblematic (indeed, Sierra Leone might be a good example of its problematic nature), but rather that one cannot engage with the state as if it were a European one and ignore the fundamental ‘Africanisation’ of the state that has occurred. The interaction between formal and informal governance practices has produced something separate and unique from each of them. The chieftaincy system has fundamentally altered the Sierra Leonean state in ways that need to be taken into account when seeking to reform the state exogenously.

Each of these changing relationships has meant that the state in Africa is not the European model imparted through colonialism, and chieftaincy is not the traditional authority it was often assumed to be before or during colonialism. Two hundred years have allowed each of these governance practices to be endogenised, modernised and entwined. Drawing upon the work of James Scott in his discussion of the construction of Brasilia, as an idealised city in Brazil, he points to many of the same concerns raised here:

A village, city, or language is the jointly created, partly unintended product of many, many hands. To the degree that the authorities insist on replacing this ineffably complex web of activity with formal rules and regulations, they are certain to disrupt the web in ways that they cannot possibly foresee ... Cities with a long history may be called “deep” or “thick” cities in the sense that they are the historical product of a vast number of people from all stations (including officialdom) who are long gone. It is possible, of course, to build a new city or a new village, but it will be a “thin” or “shallow” city, and its residents will have to begin ... to make it work in spite of the rules.<sup>172</sup>

The results of DFID-led reform efforts are unclear. Strengthening the state alone in the hope that informal governance mechanisms will fall by the wayside may lead to the discovery that the state only works when attended by its historically associated informal governance mechanisms. These adaptive mechanisms may also react in unexpected ways, forging new roles for themselves – as they have done in the face of substantial upheavals over the last two centuries through colonialism, independence and civil war. As Christian Lund surmises, ‘it is

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<sup>170</sup> Manning, “Landscape of Local Authority in Sierra Leone,” 111.

<sup>171</sup> Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, NJ: Princeton University Press, 1996), 18.

<sup>172</sup> James C. Scott, *Seeing like a State* (New Haven, CT: Yale University Press, 1998), 256.

difficult to ascribe exercised authority to the ‘state’ as a coherent institution; rather, public authority becomes the amalgamated result of the exercise of power by a variety of ... institutions’.<sup>173</sup>

In order to comprehensively address the causes of conflict, and thus to ensure sustainable security, DFID needs to reform those institutions culpable of failure. This chapter has sought to demonstrate that such failures lie not only in the state, but also in the informal structures of the chieftaincy system, which in failing to provide an equitable society fermented grievances that ultimately undermined their central purpose of maintaining social order. As a part of the failures that led to conflict, the chieftaincy system is itself in need of post-conflict reform. This will not come about by simply ignoring the informal and focusing efforts upon strengthening state institutions. Such an approach does not recognise the interwoven nature of chieftaincy and the state in Sierra Leone. Rather, a more thorough SSR programme would recognise the important role played by chiefs in providing services, including security, to provincial Sierra Leoneans and attempt to engage with such actors accordingly.

Does DFID policy take the prevalence of these important informal actors into account? While DFID policy was demonstrated in the first chapter to have provided a state-centric approach to the causes of war in Sierra Leone, to give a fair account its policy is reappraised here in light of this chapter’s findings to determine what treatment (if any) informal actors are given. The overwhelming focus of DFID’s reform efforts remain on state security providers. Yet there has been an evolution, albeit subtle, in DFID policy towards increasing recognition of the informal. This budding recognition, it is argued, supports the position that engaging informal actors is crucial to effective SSR and that DFID has become increasingly aware of this throughout their experience in Sierra Leone.

### **DFID Policy Revisited: A place for the informal?**

Initial reviews of security sector reform policy documents revealed little engagement with informal security providers prior to 2004. Whilst a 1998 Evaluation Report suggests that ‘DFID projects have largely ignored the presence and role of many other traditional and communal institutions involved in the maintenance of social order’,<sup>174</sup> policy on SSR at the

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<sup>173</sup> Christian Lund, “Twilight Institutions: Public Authority and Local Politics in Africa,” *Development and Change* 37, no. 4 (2006): 686.

<sup>174</sup> Keith Biddle, Ian Clegg and Jim Whetton, “Evaluation of ODA/DFID support to the police in developing

time did not seem to incorporate an understanding of these roles. For instance, analysis in the 1998 ‘Poverty and the Security Sector’ document is purely state-centric.<sup>175</sup> DFID’s 2000 White Paper, ‘Eliminating World Poverty: Making Globalisation Work for the Poor’, makes no reference to informal or non-state security actors, despite establishing the importance of SSR for poverty reduction.<sup>176</sup> By 2002, DFID had employed the oft-cited list of security actors as determined by the OECD (see figure 1).<sup>177</sup> This list includes traditional justice systems and non-statutory security forces but there is no other engagement with the role or importance of these actors within security provision, other than to suggest that they need to be brought within the legal framework of the state.<sup>178</sup> The first non-state security actors to receive serious attention were private security companies, in the joint DFID, FCO and MoD ‘Security Sector Reform Policy Brief’, in 2003.<sup>179</sup> Again, customary justice providers

#### Figure 1: Security Actors<sup>180</sup>

##### Core security actors

armed forces; police; paramilitary forces; gendarmeries; presidential guards, intelligence and security services (both military and civilian); coast guards; border guards; customs authorities; reserve or local security units (civil defence forces, national guards, militias).

##### Security management and oversight bodies

the Executive; national security advisory bodies; legislature and legislative select committees; ministries of defence, internal affairs, foreign affairs; customary and traditional authorities; financial management bodies (finance ministries, budget offices, financial audit & planning units); and civil society organisations (civilian review boards and public complaints commissions).

##### Justice and law enforcement institutions

judiciary; justice ministries; prisons; criminal investigation and prosecution services; human rights commissions and ombudsmen; customary and traditional justice systems.

##### Non-statutory security forces

liberation armies; guerrilla armies; private body-guard units; private security companies; political party militias.

countries: synthesis study,” Evaluation Report 648 (Swansea: University of Wales and DFID, October 1998), 4.

<sup>175</sup> DFID, “Poverty and the Security Sector” (London: DFID, 1998).

<sup>176</sup> DFID, *Eliminating World Poverty: Making Globalisation work for the Poor*, White Paper on International Development, December 2000, <http://www.dfid.gov.uk/Documents/publications/whitepaper2000.pdf>, accessed 11 May, 2010.

<sup>177</sup> DFID, “Understanding and Supporting Security Sector Reform” (London: DFID, 2002), 7.

<sup>178</sup> Ibid, 26.

<sup>179</sup> DFID, FCO and MoD, “Security Sector Reform Policy Brief” (London: DFID, FCO, MoD, November 2003), 16.

<sup>180</sup> Ibid.



received mention, but were not dealt with in any detail.<sup>181</sup> It was not until 2004 that informal security actors received serious policy attention with the publication of DFID's 'Non-state Justice and Security Systems', which recognised, 'the importance of traditional and informal systems as complements to formal state systems. It [DFID] notes that non-state justice and security systems may need reform in order to become fairer and more effective'.<sup>182</sup> The document recognises that informal systems 'are critically important in the context of DFID's pro-poor approach to security and justice',<sup>183</sup> yet also cautions that in some cases 'it may be preferable not to engage with non-state systems, or even see them dissolved'.<sup>184</sup> Thus SSR policy has come, slowly, to recognise the importance of engaging the informal.

A broader review of the policy documents to include issues related to the justice sector, however, reveals a greater and more promising engagement with informal security actors. As early as 2000, DFID produced a policy document on 'Justice and Poverty Reduction' which recognised that '[i]mproving access to justice requires that both formal and customary systems be made to work justly and equitably'.<sup>185</sup> The document goes on to highlight the high rates of reliance on informal justice systems and points out the human rights challenges that such actors can pose.<sup>186</sup> This was followed in 2002 by a broader policy publication on 'Safety, Security and Accessible Justice', which reiterated the importance of informal security arrangements and extended the awareness of informal actors beyond judicial actors to policing providers as well.<sup>187</sup> This divergence between security sector reform and justice sector reform policy is surprising, given the integrated nature the reform programmes are meant to have taken on through the Conflict Prevention Pools and on the ground in Sierra Leone.

The policy awareness of informal actors that emerges at different times in different sectors should not, however, suggest that DFID have made this issue a priority. Indeed, of the approximately 40 policy documents analysed, only eight mentioned informal security actors, and just a handful of these went into more detail than simply mentioning that such actors exist! Shining a light on this corner of policy discourse should not exaggerate its prominence.

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<sup>181</sup> Ibid.

<sup>182</sup> DFID, "Non-state Justice and Security Systems" (London: DFID, May 2004), 1.

<sup>183</sup> Ibid, 1.

<sup>184</sup> Ibid, 4.

<sup>185</sup> DFID, "Justice and Poverty Reduction" (London: DFID, 2000), 13.

<sup>186</sup> Ibid, 14-15.

<sup>187</sup> DFID, "Safety, Security and Accessible Justice: Putting policy into practice" (London: DFID, 2002), 12; 26.

The state clearly remains the preferred vehicle for security provision and engagement, with only sparing mentions of informal security and governance actors, predominantly in policy related specifically to justice reform. An evolution can be discerned though, with later policy indicating an increased awareness of the importance of informal actors in SSR.

Alongside these sparing mentions there has also been one notable attempt during the early stages of the UK intervention in Sierra Leone to engage with paramount chiefs. While this might suggest a cognisance on DFID's part of the importance of informal actors, a brief examination of the programme suggests otherwise. The programme can more accurately be described as a failed quick-fix attempt to restore stability in provincial Sierra Leone, without acknowledging the failures of the chieftaincy system or engaging in its reform in the manner in which state security services were engaged. This programme represented a superficial flirtation with chieftaincy, revealing a lack of understanding of the complexities of the system and treating it more as a vehicle to stabilisation, rather than a crucial governance mechanism in need of reform, alongside the state security and governance systems. The programme was aborted by 2002 after an external review and a lack of support amongst the chieftaincy itself.<sup>188</sup>

#### *Chieftain Governance Reform Programme*

The project was originally launched as the Paramount Chiefs Restoration Programme, but became known as the Chieftain Governance Reform Programme (CGRP) after the signing of the 1999 Lomé Peace Agreement.<sup>189</sup> Work did not begin in earnest, however, until 2000.<sup>190</sup> The CGRP sought to re-empower the paramount chiefs in order to demonstrate to citizens that order and stability was returning to Sierra Leone and encourage repatriation of the chiefs (on the assumption that their subjects would then follow them).<sup>191</sup> Richard Fanthorpe, evaluating the programme, highlights the limited scope of the project:

Fear of the consequence of a post-war power governance vacuum in rural areas prompted DFID to design a programme for restoring paramount chiefs. This was enthusiastically supported by the SLPP government, which was keen to re-establish political control over the countryside. These concerns and interests have so far overridden efforts to reform chieftain

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<sup>188</sup> Richard Fanthorpe, "Post-war reconstruction in rural Sierra Leone."

<sup>189</sup> Author interview with Garth Glentworth, Senior Governance Advisor, DFID, 17 October 2008.

<sup>190</sup> Zöe Marriage, *Challenging Aid in Africa: Principles, Implementation and Impact* (New York, NY: Palgrave Macmillan, 2006), 24.

<sup>191</sup> Clare Short, "Hansard Written Answers," 24 July, 2002, <http://www.publications.parliament.uk/pa/cm200102/cmhansrd/vo020724/text/20724w10.htm>, accessed 25 June, 2009; Author interview with Garth Glentworth, Senior Governance Advisor, DFID, 17 October 2008.

governance in the light of grievances voiced in ... chieftain consultations.<sup>192</sup>

In order to fill the void of political control, DFID funded the building of houses for the paramount chiefs and filled chieftain vacancies (as a result of deaths and displacement during the war approximately one third of all chiefs had to be replaced post-conflict).<sup>193</sup> It also proposed to establish guidelines for the exercise of power by paramount chiefs, although this key component was never instituted.<sup>194</sup> The institution was thus restored but not reformed, in a move reminiscent of Colonial Office efforts to attain order through chiefs and indirect rule.

Problems arose when the houses being constructed resembled 'mud huts' rather than what is locally considered appropriate paramount chief housing.<sup>195</sup> The British opted for more traditional 'sandcrete' constructions of four rooms.<sup>196</sup> The paramount chiefs argued, however, that their houses needed to be substantially larger to accommodate their families (often made up of several wives and their children) as well as visiting guests who chiefs are obliged to house.<sup>197</sup> There was the added complication of where to build the houses within the chiefdoms. As paramount chiefs are derived from ruling families, and there are a few ruling families within each chiefdom residing in different locations, houses being constructed for current chiefs would not prove useful for future paramount chiefs who might live in a different town.<sup>198</sup> Unless houses were built in each of the towns where ruling families resided, the constructions would appear biased. State politics also interfered, with the All Peoples Congress opposition party (at the time) claiming that the UK was building houses only in chiefdoms in the Southern and Eastern provinces, which were SLPP government stronghold areas.<sup>199</sup> In fact, it was the Southern and Eastern areas that were most accessible during 1999-2001, due to ongoing rebel fighting in the North. Instability in the Northern province (the traditional stronghold of the APC) thus prevented DFID from penetrating these areas. In the end, about 50 houses were built, some of which chiefs refused to live in. After an evaluation of the project by an external consultant, and a lack of support amongst the chiefs themselves,

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<sup>192</sup> Richard Fanthorpe quoted in Peacebuilding Support Office, "Briefing Paper on Local Governance and Democracy in Post-Conflict Sierra Leone: Emerging issues and implications for peace and development," 1 November, 2007, <http://157.150.195.10/peace/peacebuilding/Country-Specific%20Configurations/Sierra%20Leone/01.11.07%20briefing%20paper%20SL%20other%20info.pdf>, accessed 8 June, 2010, 4.

<sup>193</sup> Jackson, "Reshuffling an Old Deck of Cards?," 95-96; 106; Short, "Hansard Written Answers."

<sup>194</sup> Jackson, "Reshuffling an Old Deck of Cards?," 95-96.

<sup>195</sup> Author interview with Emmanuel Gaima, Coordinator, Decentralisation Secretariat, 6 March 2009.

<sup>196</sup> Ibid.

<sup>197</sup> Author interview with Garth Glentworth, Senior Governance Advisor, DFID, 17 October 2008.

<sup>198</sup> Ibid.

<sup>199</sup> Ibid.

the CGRP was terminated and deemed a failure.<sup>200</sup>

Interestingly, this project represents the UK's only direct engagement with informal governance structures in Sierra Leone. It is indicative both of the complexities inherent within the chieftaincy system and of DFID's lack of understanding of how this system actually works and its failures that contributed to the very grievances over which the war was fought. Richard Fanthorpe, in reviewing the project notes:

It had become apparent early on that chieftdom administration in general had deep-rooted problems that no single donor programme was likely to resolve. Public consultations facilitated by the CGRP and relief agencies yielded a plethora of local complaints against chiefs of all ranks. Foremost amongst these grievances were that chiefs controlled a local judicial systems regularly handing down fines that were grossly incommensurate with the offences committed, [and] that chiefs frequently compelled their subjects to work farms for them without pay.<sup>201</sup>

It also did not account for the adaptiveness of the chiefs, who ended up returning to their communities without UK-supplied housing<sup>202</sup> and also failed to understand the chief's modern-day needs (as hosts to guests and extended families) and practices (of moving the seat of the chieftdom depending on the location of the incumbent ruling family). The basic housing provided also risked representing the chiefs in a purely 'traditional' light, rather than as the modern authorities that they have become. The failure of this project ended the UK's direct engagement with informal governance structures. It seems that, similar to colonial prerogatives, the British were keen to engage the chiefs on the basis that they were a quick-fix solution to re-establishing order and stability, upon which other reform efforts could then capitalise. When this engagement failed to deliver its intended results, the programme was dropped and one of the original intentions - to establish guidelines for the extent of chief's authority - was not pursued. It seems that the British did not appreciate the failings of the chieftaincy system that were in fact integral to undermining (rather than supporting) order in the provinces.

In DFID's defence, it should be acknowledged that its staff have been upfront about the programme's failure and the role that their lack of knowledge of the chieftaincy system

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<sup>200</sup> Ibid.

<sup>201</sup> Fanthorpe, "Post-war reconstruction in rural Sierra Leone."

<sup>202</sup> Author interviews with Garth Glentworth, Senior Governance Advisor, DFID 17 October 2008; and Mark White, West Africa Regional Conflict Advisor, DFID (former Security Sector Reform Advisor and former Programme Manager for Security Sector Reform and Justice Sector Development Programmes in Sierra Leone, DFID), 16 October 2008.

played in this.<sup>203</sup> The lesson learned from the programme, however, seems to be to steer clear of informal actors, rather than to learn more and attempt to engage in a more sustained and transformative manner. The growing policy focus, however minimal, regarding informal actors suggests that this is an area that DFID is realising is of importance to its reform efforts. This realisation appears to have taken place in different parts of the organisation at different times. Certainly, the recognition of informal actors is more sustained within policy regarding justice reform, as opposed to more general security sector reform. Yet overall, the mentions read as caveats and footnotes to the more dominant narrative – that state failure was the cause of conflict in Sierra Leone and that in strengthening the state so as to ensure peace and development, informal security actors *may* need to be taken into account. Failings within informal systems are not regarded as a cause of conflict, but rather as side issues that may need consideration within broader efforts to rebuild the state. This position fails to recognise the importance of failures within informal systems and the manner in which formal (state) and informal systems bind together to create a modern security and governance matrix in Sierra Leone.

## Conclusion

This chapter has detailed the chieftaincy system in Sierra Leone and how its failings contributed to the civil war. This provides a thicker account of the causes of war than DFID's diagnosis, which points to failures of just the state. As Robert Egnell and Peter Halden warn, 'the effectiveness of the measures taken by external actors in Sierra Leone may be questioned since they are aimed at formal loci where governance is not exercised, instead of the informal structures, with real clout.'<sup>204</sup> The point is simple, but important: understanding the locus of failure is essential if the failure is to be fixed. Failure, in Sierra Leone, was not merely of the bureaucratic state, because the bureaucratic state is merely one level of the governance matrix. It is largely Freetown-centric, neglecting approximately 80 per cent of the population who rely much more heavily on the chieftaincy system in their daily lives. Understanding the failure of the chieftaincy system is crucial to ensuring sustainably better governance and security for Sierra Leone in the future. What is advocated here, then, is a fuller understanding of the causes of war, providing a 'thick', rather than 'thin', depiction of failures. The power of the chiefs is not necessarily apparent at surface level and it is certainly not apparent in

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<sup>203</sup> Ibid.

<sup>204</sup> Robert Egnell and Peter Halden, "Laudable, Ahistorical and Overambitious: Security Sector Reform Meets State Formation Theory," *Conflict, Security and Development* 9, no. 1 (April 2009): 45.

Freetown, where UK staff are based (in fact, DFID only opened its Freetown office in 2005). Chiefs downplay their own power and often administer it in closed settings (such as secret societies).<sup>205</sup> Interviews with Sierra Leoneans for this research suggested that they respect their chiefs – yet closer discussion also revealed dissatisfaction and the desire for reform of many of their powers.<sup>206</sup> Failure has been demonstrated within this system alongside the state. Only by examining these deeper layers of practice can the antecedents to the conflict be appropriately understood, and engaged with.

In focusing on the bureaucratic state as the locus of failure, DFID's SSR programme has engaged overwhelmingly with state institutions, such as the police, armed forces, intelligence services, and other components of the civil service. These efforts are clearly laudable and have undoubtedly produced some good results (some of which will be uncovered through the case studies). Yet the state is merely the surface of governance practices in Sierra Leone. There are significant informal governance mechanisms that are essential in providing goods and services (including security) to the population and these also need reform. As Pierre Englebert argues, 'civil service reform ... is doomed to fail if the formal state is but a decoy.'<sup>207</sup> In this instance, the state is not a 'decoy' as such, as it is also in clear need of reform. However the visibility and tangibility of the state may render it the preferred vehicle for reforms, at the expense of the more utilised, but less perceptible informal systems, such as chieftaincy. In the singular instance when the UK did attempt to engage with the chieftaincy system, through the Chiefdom Governance Reform Programme, the system was superficially understood as a traditional authority that might offer a reassuring presence to communities, rather than a modern and complex governance structure, itself culpable of the injustices that led to conflict and thus in need of reform. The result was that the CGRP failed and largely ended UK engagement with informal governance in Sierra Leone. DFID policy on SSR also reflects a delayed and patchy cognisance of the importance of informal actors in security and governance in Sierra Leone.

This brief (and fumbling) flirtation with chieftaincy aside, engagement with informal actors has been lacking. This can be traced back to the UK's understanding of the war as a

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<sup>205</sup> Author interview with Paramount Chief Mohammed Tshombe Kargoi the 2<sup>nd</sup>, Wunde Chiefdom, Bo District, 19 March 2009.

<sup>206</sup> Author interviews in Sierra Leone, February – April 2009.

<sup>207</sup> Pierre Englebert, "The Contemporary African State: Neither African nor State," *Third World Quarterly* 18, no. 4 (1997): 772.

manifestation of state, rather than broader governance, failure. This chapter has highlighted the central role played by chiefs in day-to-day life in Sierra Leone. It then went on to demonstrate how a crisis within informal governance can be seen as one of the causes of the war. Such a crisis cannot be resolved by simply strengthening the state. Rather, the interwoven nature of the state and chieftaincy system requires that both be engaged. Finally, DFID policy was revisited to assess its ability to account for informal governance mechanisms, overwhelmingly suggesting that this aspect of governance has been overlooked.

These discussions pave the way to investigating how successful particular reform programmes in Sierra Leone have been in taking informal actors into account. An organisation's policy represents only one facet their overall approach. In order to gain a fuller understanding of DFID's failure to engage informal actors, its practices also need to be taken into account. This fits with the turn to practice underway in the social sciences more generally, and is supported by the views expressed by DFID staff as well. Regional Conflict Advisor for West Africa, Mark White suggests that 'there is a difference between what DFID says in terms of its policy on security sector reform, which is very much headquarters-led ... and then what takes place on the ground itself.'<sup>208</sup> Thus, in order to make a full assessment of DFID's engagement with informal actors through SSR, its programmes as well as its policies require consideration.

Both of the case studies to follow exemplify sites of contestation between the jurisdictions of the formal and informal. Of interest here is how effectively DFID's projects have dealt with such contestation and whether they have been able to institute reforms at both state and informal levels. Only by understanding the conflict in Sierra Leone as a violent response to wider governance, rather than merely state, failure can the reform programmes below comprehensively address the antecedents to the conflict.

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<sup>208</sup> Author interview with Mark White, West Africa Regional Conflict Advisor, DFID (former Security Sector Reform Advisor and former Programme Manager for Security Sector Reform and Justice Sector Development Programmes in Sierra Leone, DFID), 16 October 2008.

# 3

## **The Thickening Blue Line: Challenges of informal policing for DFID's Family Support Units**

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The purpose of security sector reform (SSR) is to create a disciplined, effective and democratically controlled security sector that will protect the rights of citizens, thereby creating a just society that adheres to the rule of law.<sup>1</sup> Such a society, SSR advocates argue, is better placed to attract investment and development, in turn reinforcing peace. One aspect of DFID's SSR programme in Sierra Leone is the reform of the Sierra Leone Police (SLP), and within this the establishment of the Family Support Units (FSUs) has been a landmark project. The Units contribute to the overall SSR agenda by seeking to protect the rights of women and children as distinct vulnerable categories. This chapter examines the FSUs within the context of broader policing reform and assesses how their success in fulfilling their purpose of protecting the rights of women is limited by the approach DFID adopts towards informal policing providers, such as chiefs and secret societies.<sup>2</sup> It is argued that because DFID has understood the causes of conflict in Sierra Leone in overwhelmingly state failure terms and thus sought to reform state security forces, its ability to provide improved policing to women through the FSUs is limited by the challenges posed by informal policing actors. DFID's goal of providing improved policing to women would be better served by engagement not only with the formal providers of policing to women in Sierra Leone, but also the informal.

The dominance of men and elders within Sierra Leonean society renders women and children especially vulnerable to exploitation and injustice.<sup>3</sup> They are generally excluded from decision making or prescribed limited jurisdiction and viewed as submissive possessions of husbands, fathers, brothers or uncles.<sup>4</sup> Their rights are often curtailed in the name of 'culture' or 'tradition' in a manner that fortifies their subservience to elders and men, thus

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<sup>1</sup> Robert Egnell and Peter Halden, "Laudable, Ahistorical and Overambitious: Security Sector Reform Meets State Formation Theory," *Conflict, Security and Development* 9, no. 1 (April 2009): 27-54.

<sup>2</sup> While the FSU's mandate covers both women and children, this case study focuses on their ability to provide policing to women.

<sup>3</sup> Joe D. Alie, "Reconciliation and Traditional Justice: Tradition-based practices of the Kpaa Mende in Sierra Leone," in *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences*, eds. Luc Huyse and Mark Salter (Stockholm: International Institute for Democracy and Electoral Assistance, 2008), 133.

<sup>4</sup> Caroline Bledsoe, "The Political Use of Sande Ideology and Symbolism," *American Ethnologist* 11, no. 3 (August 1984): 455-472.



simultaneously protecting the power of those who have historically held it.<sup>5</sup> This inequality was clear at the end of the civil war when women, who had been subjected to informal marriages during the war, often by coercion or force, attempted to reassert their independence from their former-combatant husbands.<sup>6</sup> Many women were violently prevented from leaving by their partners.<sup>7</sup> The situation led to a dramatic rise in rates of domestic violence within Kissy, an area of Freetown heavily populated by former-combatants, and prompted the establishment of what have become known as FSUs within the Sierra Leone Police.<sup>8</sup> The Units deal exclusively with crimes involving women and children and have been hailed as one of the major success stories of the UK-led SSR programme. Similar initiatives have since been set up in post-conflict Liberia and the Democratic Republic of Congo (DRC), based upon the original Sierra Leonean model.<sup>9</sup>

Undoubtedly, the FSUs promote improved rights for women and children, based upon international treaty law. Yet the success of the FSUs in providing effective policing to women and children is limited by their inability to confront challenges posed by informal policing actors, such as chiefs and secret societies, prevalent throughout Sierra Leone. Without addressing these challenges, the FSUs (and by extension, DFID's goal to provide improved policing to women) will continue to be a success story limited to urban areas, Western audiences and the pages of donor reports, rather than being a success for the daily lives of the majority of women and children in Sierra Leone, whose access to justice is still mediated by informal policing providers. The FSUs need to engage with these informal forces in order to improve the policing available outside of urban areas and therefore to the majority of their target beneficiaries.

Through the FSU case study this chapter demonstrates the lack of DFID's engagement with informal policing mechanisms, hinting also at their underlying understanding of the causes of conflict as located in state failure. In so doing, the chapter will begin with an explanation of DFID's involvement in the FSU project, before providing some historical background to the

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<sup>5</sup> Ibid.

<sup>6</sup> Kadi Fakondo quoted in Peter Albrecht and Paul Jackson, *Security System Transformation in Sierra Leone, 1997-2007* (Birmingham: Global Facilitation Network for Security Sector Reform, Birmingham University, 2009), 39.

<sup>7</sup> Author interview with Kadi Fakondo, Assistant Inspector General of Sierra Leone Police, 25 February 2009.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid; Kadi Fakondo quoted in Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 142-143; Author interview with Adrian Horn, Project Manager, Commonwealth Community Safety and Security Project, 10 October 2008.

Sierra Leone Police. Third, an overview of the UK police reform programme, in which the FSUs are embedded will be set out to highlight the goals and challenges of reform efforts. Fourth, the specific evolution, purpose and procedures of the FSUs will be laid out, before examining the potential problems posed to the Units by informal policing alternatives. Finally, the case study will demonstrate why engagement with informal actors is necessary in order to sustainably improve policing. Ultimately, it is argued that while the FSUs represent a laudable and, in urban areas, relatively successful attempt to improve the rights of women, the policing service that they provide is limited by challenges posed by informal policing providers. Without overcoming these challenges, the FSUs may be a successful story on paper and in urban areas, but of limited relevance to the lives of ordinary women in provincial Sierra Leone. Given DFID's understanding of the causes of war, which lead it to engage with only state policing providers, a significant component of the policing puzzle remains unreformed, limiting the ability of the SSR programme to sustainably reform post-conflict security.

### **DFID Involvement with the FSUs**

DFID's involvement in the FSU project derives from two main sources. First, the Commonwealth Community Safety and Security Project (CCSSP), which took over in 2000 from the initial police reform programme, the Commonwealth Police Development Task Force (CPDTF), supported the establishment of the first FSU (then known as the Domestic Violence Unit in Kissy) and the roll out of the FSU project countrywide. This 'Commonwealth' Programme was staffed and directed overwhelmingly by British personnel.<sup>10</sup> The head of this deployment, retired British police detective Keith Biddle had also, at the time, been appointed by the Sierra Leone Parliament as Inspector General of the Sierra Leone Police (IGP). It was IGP Biddle and British consultant Bill Roberts, who assisted the Sierra Leonean Commander of Kissy Division, Kadi Fakondo in implementing the FSU model.<sup>11</sup>

Second, the UK was heavily involved in the FSU project by way of funding. DFID was the primary donor to the project, with the UK Conflict Prevention Pools, drawing upon DFID, Foreign and Commonwealth Office (FCO) and Ministry of Defence (MoD) funds, later

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<sup>10</sup> Author interview with Keith Biddle, Inspector General of Sierra Leone Police and Head of Commonwealth Community Safety and Security Project, 13 September 2008.

<sup>11</sup> Kadi Fakondo, quoted in Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 40.

stepping in. As Peter Albrecht and Paul Jackson note, '[a]lthough initially referred to as a "Commonwealth Project", in reality funding for the project was provided entirely by DFID and, after 2001, through additional funding from the UK's Africa Conflict Prevention Pool.'<sup>12</sup> Many of the FSU buildings were constructed and fitted out by the DFID-funded Justice Sector Development Programme (JSDP), established in 2005, which is where donor responsibility for the FSUs is currently housed.<sup>13</sup> While UK funding to the FSUs is now limited (as the Units across 26 police divisions are now meant to be self-sustaining), the JSDP continues to monitor their progress and assist in updating training manuals and data recording systems.<sup>14</sup> Thus, the FSU project, whilst the brainchild of Commander Kadi Fakondo, has been facilitated (both administratively and financially) by the UK, and DFID specifically, as part of their police and, later, justice reform programmes.

## History of the Sierra Leone Police

*'The story of policing in Sierra Leone is not the most pleasant of tales.'*<sup>15</sup>

The dismal state in which the SLP found itself at the end of Sierra Leone's civil war and which prompted the need for the FSUs was attributable to a long history of poor policing culture. The police force, as it was in the aftermath of the war, 'did not spring, fully formed, from independence in the 1960s or from conditions of conflict in the 1980s [and 1990s].'<sup>16</sup> Rather, the force that existed by the mid- to late-1990s was a product of the various transformations that both the state and the police had gone through since their inception. Rather than the colossal failure of the police coming as a surprise, it was, given its antecedents, entirely expected. This section will provide a brief history of the police, in order to situate the FSU, and explain its perceived success, in the context of Sierra Leone's broader policing experience.

### *Colonial Policing*

Like many African police forces, the SLP evolved from the colonial police and thus began

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<sup>12</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 35.

<sup>13</sup> Kadi Fakondo, quoted in Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 142.

<sup>14</sup> Author interview with Peter Viner, Coordinator, Justice Sector Development Programme, 27 February 2009.

<sup>15</sup> Sarah Meek, "Policing Sierra Leone," in *Sierra Leone: Building the Road to Recovery*, eds. Mark Malan et al, Institute for Security Studies, Monograph No. 80, 1 March, 2003, 105; David Killingray, "The maintenance of law and order in British Colonial Africa," *African Affairs* 85, no. 340 (July 1986): 413; Mercedes S. Hinton and Tim Newburn, "Introduction: Policing Developing Democracies," in *Policing Developing Democracies*, eds. Mercedes S. Hinton and Tim Newburn (Abingdon: Routledge, 2009), 7.

<sup>16</sup> Alice Hills, "Towards a Critique of Policing and National Development in Africa," *The Journal of Modern African Studies* 34, no. 2 (1996): 286.

with a skewed policing agenda that favoured regime, over citizen, security and focused on the maintenance of order, rather than the rule of law.<sup>17</sup> As Osman Gbla notes, ‘during colonialism the security forces were used to suppress the population from rebelling against British authority.’<sup>18</sup> Sierra Leonean officers in the Frontier and Court Messenger Forces (the former represented the Colonial government and the latter the colonially-sanctioned chiefs) were thus responsible for putting down disturbances and uprisings of their fellow countrymen against their shared colonial oppressors.<sup>19</sup> For instance, it was the Frontier Force that fought against chiefs and their supporters in the Hut Tax War of 1898.<sup>20</sup> Such seemingly treacherous actions laid the foundations for public mistrust of the police that was only to deepen throughout the 1900s. The ethnic constitution of these colonial police forces was also significant.<sup>21</sup> The Frontier Police were largely made up of Krio officers (with some indigenous ethnic groups filling the lower ranks) and it was thus predominantly settler Sierra Leoneans who enforced British colonial laws against the indigenous population.<sup>22</sup> This reinforced the colony-protectorate divide and did little to encourage indigenous communities to utilise the colonial police forces, which represented to them a double colonisation (by both the British and the settled Krios). This, in turn, reified ideas that ‘modern’ policing was for the Krio population in Freetown, whereas the indigenous population upcountry continued to rely upon informal customary policing, linked to chiefs.<sup>23</sup>

The Sierra Leone Frontier Force and the Court Messenger Force were merged in the 1920s and renamed the Sierra Leone Police Force.<sup>24</sup> Sierra Leonean officers in the civilian and frontier police were not permitted to hold ranks of Assistant Superintendent or higher and thus severely lacked managerial experience upon assuming leadership positions after

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<sup>17</sup> Chuck Call and Michael Barnett, “Looking for a Few Good Cops: Peacekeeping, Peacebuilding and CIVPOL,” *International Peacekeeping* 6, no. 4 (1999): 47.

<sup>18</sup> Osman Gbla, “Security Sector Reform Under International Tutelage,” *International Peacekeeping* 13, no. 1 (2008): 79.

<sup>19</sup> Sierra Leone Police, “The Brief History of the Sierra Leone Police Force,” [http://www.sierraleonepolice.org/drwebsite/publish/article\\_19.shtml](http://www.sierraleonepolice.org/drwebsite/publish/article_19.shtml), accessed 3 August, 2009.

<sup>20</sup> Francis Alieu Munu, Senior Assistant Commissioner of the Sierra Leone Police, “Presentation to the Bahrain Meeting of the International Police Executive Symposium,” 11-16 October, 2003, [http://www.ipes.info/presentations/bahrain/FRANCISMUNU%20BAHARIAN%202003.ppt#291,9,Sierra Leone Police](http://www.ipes.info/presentations/bahrain/FRANCISMUNU%20BAHARIAN%202003.ppt#291,9,Sierra%20Leone%20Police), accessed 5 August, 2009.

<sup>21</sup> David M. Anderson and David Killingray, “Consent, coercion and colonial control: Policing the empire, 1830-1940,” in *Policing the Empire*, eds. David M. Anderson and David Killingray (Manchester: Manchester University Press, 1991), 7.

<sup>22</sup> Gershon Collier, *Sierra Leone: Experiment in Democracy in an African Nation* (London: University of London Press, 1970), 51.

<sup>23</sup> *Ibid*, 51-52.

<sup>24</sup> Munu, “Presentation to the Bahrain Meeting of the International Police Executive Symposium.”

independence in 1961.<sup>25</sup> Interestingly, the first Sierra Leonean Inspector General of Police, L.W. Leigh, was not appointed until 1963, with a British officer continuing to fill this role for the first two years of independence.<sup>26</sup> Gbla points out the difficulty, '[a]t independence, on 27 April 1961, Sierra Leone inherited security forces that were incapable of meeting the post-independence security challenges of a democratic, pluralistic and multi-ethnic state.'<sup>27</sup>

### *The Police under Independence*

Indigenisation of the leadership of the police did little to alter its deservedly poor reputation. The short-lived Sierra Leone People's Party (SLPP) regime of Sir Albert Margai, followed by the longer-term All People's Congress (APC) dictatorship of Siaka Stevens and (later) Joseph Momoh, began to politicise the security forces through employment procedures. As Gbla explains:

Recruitment, appointment and promotions in the military and police were based on political and ethnic connections rather than qualification and merit. Under Albert Margai there were attempts to involve members of the police and military in the contest for political power as well as to fill the rank and file with relatives, friends and cohorts of those in power. The APC regime of Siaka Stevens ... intensified the politicisation and ethnicisation of the security forces. In an attempt to put the forces under his firm personal control, the regime introduced a recruitment policy that encouraged its supporters to enlist in the police and the military. Semi-literate people, many with criminal backgrounds, were recruited by the security forces, thus further undermining their professionalism.<sup>28</sup>

Corruption, nepotism and lack of professionalism reinforced one another, and the skills necessary for a functioning and effective police force were increasingly not sought.<sup>29</sup> The purpose of the police had degenerated to a regime-serving institution that ensured loyalty by offering opportunity on the basis of kin, and providing benefits such as monthly rice quotas to its staff (which were bought from import companies in which Stevens had financial interests, thus providing a dual pay off to the President in both security and profit).<sup>30</sup>

In efforts to further bolster regime security, Stevens established the Internal Security Unit (ISU) in 1970. This was an armed division within the otherwise unarmed police force,

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<sup>25</sup> Sierra Leone Police, "The Brief History of the Sierra Leone Police Force."

<sup>26</sup> Ibid.

<sup>27</sup> Gbla, "Security Sector Reform Under International Tutelage," 79.

<sup>28</sup> Ibid.

<sup>29</sup> Keith Biddle, *Conflict, Security and Development Group Bulletin* 5 (March-April 2000): 1.

<sup>30</sup> William Reno, *Corruption and State Politics in Sierra Leone* (Cambridge: Cambridge University Press, 1995), 144.

explicitly intended for riot control and, implicitly, for regime support and protection.<sup>31</sup> The ISU was responsible for attacks on political opponents and for the, at times lethal, violence unleashed against student and trade union protests in the 1970s and 1980s.<sup>32</sup> The reputation of the ISU soon preceded itself, with the public nicknaming the acronym ‘I Shoot You’, due to their pre-emptive and excessively violent tactics.<sup>33</sup> The reputation proved difficult to shed. After Stevens changed its official name to the Special Security Division (SSD), the nickname simply adapted to ‘Siaka Stevens’ Dogs’.<sup>34</sup>

Even greater politicisation of the police lay ahead. In the 1970s Stevens amended the Constitution, appointing the IGP as a permanent member of the Sierra Leone Parliament (along with six others, including the head of the military).<sup>35</sup> Excessive political interference and nepotism resulted in a breakdown of command structures within the police, and plummeting efficiency.<sup>36</sup> The economic crisis in which Sierra Leone found itself by the 1980s also had repercussions for police funding, which was severely limited – with virtually no functioning equipment and police officer salaries of approximately USD 15 per month.<sup>37</sup> This situation was not necessarily entirely unsatisfactory as far as the APC government was concerned. As Alice Hills explains:

If the police do their job well, they could threaten their regime. They might launch their own coup or, if they were truly independent, they would investigate regime officials suspected of violating the law. It is thus not in regime interests that the police should become efficient, effective, or provide citizen protection. In general regime concerns ensure that African police forces remain urban, underresourced, brutal, and stagnant.<sup>38</sup>

A weak police force provided the necessary space for the Stevens (and from 1985, Momoh) regime to continue exploiting their office and country. It was with this police force that Sierra Leone entered its 11-year civil war.

### *The Sierra Leone Police Force and Civil War*

Rosalind Hanson-Alp aptly illustrates the role played by the weakness of the Sierra Leone

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<sup>31</sup> Meek, “Policing Sierra Leone,” 107.

<sup>32</sup> Gbla, “Security Sector Reform Under International Tutelage,” 79.

<sup>33</sup> Author interview with Member B, Promoters of Peace and Justice Freetown, 3 March 2009.

<sup>34</sup> Ibid.

<sup>35</sup> Sierra Leone Police, “The Brief History of the Sierra Leone Police Force”; Gbla, “Security Sector Reform Under International Tutelage,” 79.

<sup>36</sup> Gbla, “Security Sector Reform Under International Tutelage,” 79.

<sup>37</sup> Meek, “Policing Sierra Leone,” 105-106.

<sup>38</sup> Alice Hills, *Policing Africa: Internal Security and the Limits of Liberalisation* (London: Lynne Rienner, 2000), 41.

security sector, including the police, in responding to imminent conflict:

In September 1990, a refugee walked into Sierra Leone's Police 'Special Branch' ... and filed a 13-page report about an alleged plan to attack Sierra Leone. While the report was passed on through the security structures, there was no response in preparation for a potential attack. Six months later, in March 1991, a Sierra Leonean soldier made a 17-page statement confirming the threat of an imminent border attack. As in 1990, the report passed through the security structures but there was no response. Days later, attacks from the Liberian border in the east of Sierra Leone ensued, plunging the nation into more than ten years of a brutal war that claimed thousands of lives and devastated the country.<sup>39</sup>

The inability of both the police and the broader security sector to respond to such reports is indicative of the state of chaos and mismanagement that reigned within them at that time. State security forces were unable to resist what was a small and disparate attack from no more than 200 rebels along the Liberian border.<sup>40</sup> The ineffectiveness of the police was one manifestation of the corroding security systems within the country, which failed to prevent or halt civil war. As Bruce Baker attests:

The Truth and Reconciliation Commission describe the Police before the war as "incompetent", "corrupt", "a ready tool for the perpetuation of state terror against political opponents", and as engaged in "extortion of money" and "the violation of basic human rights". Predatory state policing ... [was a] contributory factor ... to the outbreak and continuance of conflict.<sup>41</sup>

State security forces were so poorly trained and ill-equipped that the government ultimately had to rely upon civil defence forces (CDFs) and external military support to repel the rebels. This was also, in part, due to the tendency of some state security forces to connive with the RUF in order to gain personal benefit through looting of the civilian population.<sup>42</sup>

Their perceived involvement in state corruption meant that the police suffered substantially at the hands of the RUF. Throughout the war, police were targeted by the rebels due to their history of corruption and cronyism (that the RUF claimed to be fighting against) and their support for the government.<sup>43</sup> It has been estimated that during the war 'approximately 900

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<sup>39</sup> Rosalind Hanson-Alp, "Civil-Society's Role in Sierra Leone's Security Sector Reform Process: Experiences from Conciliation Resources' West Africa Programme," Paper No. 12, Working Paper Series, Security System Transformation in Sierra Leone, 1997-2007, October 2008, 2.

<sup>40</sup> Gbla, "Security Sector Reform Under International Tutelage," 80.

<sup>41</sup> Bruce Baker, "The African post-conflict policing agenda in Sierra Leone," *Conflict, Security and Development* 6, no. 1 (April 2006): 28.

<sup>42</sup> Gbla, "Security Sector Reform Under International Tutelage," 80.

<sup>43</sup> Niobe Thompson, "In Pursuit of Justice: a Report on the Judiciary in Sierra Leone," Commonwealth Human Rights Initiative, 2002, 28; Bruce Baker, "Who Do People Turn to for Policing in Sierra Leone?," *Journal of Contemporary African Studies* 23, no. 3 (2005): 175.

police officers were killed and a considerable number suffered amputation. As a result, the size of the police was reduced from 9,317 to 6,600.<sup>44</sup> This devastation included 300 deaths during the 1999 rebel attack on Freetown alone, which left all but two police stations in the capital destroyed.<sup>45</sup>

### *Beginnings of Police Reform*

Throughout the 1990s, the United Kingdom began attempts at police reform in Sierra Leone. An adviser was initially sent out in 1991, with others deployed in 1996 at the request of the newly-elected President Kabbah.<sup>46</sup> Their mission, however, was disrupted by the Armed Forces Revolutionary Council (AFRC) coup of 1997.<sup>47</sup> In highly insecure environments, often with the pervasive threat of being singled out for attack, the poorly trained and ill-equipped police were unable to make strides towards fulfilling their purpose of maintaining law and order. They also did little to win civilian support, relying on corruption and looting to make their living. Their reputation amongst the community as being ‘synonymous with politicisation, inefficiency, rampant corruption, poor conditions of service and a lack of basic facilities and equipment’,<sup>48</sup> rendered them a force with little support in civilian quarters. Albert Pacey’s quip that ‘the worst recruits receive the worst training and become the worst policemen’<sup>49</sup> was compounded in Sierra Leone by also operating in the worst environment – where they were the targets of attacks by the rebels and of distrust and disrespect by the civilian population.

At the close of the civil war in 2002, international reform packages provided hope for the SLP and the community they are intended to police that transformation was possible. Chuck Call and Michael Barnett caution of these reforms:

Many countries in the throes of a democratic transition have focused exclusively on ballots and on encouraging the military to return to the barracks. Meanwhile the police, who hold most responsibility for public order and who are the state institution most in touch with the people, are rarely discussed in political reform proposals.<sup>50</sup>

The United Kingdom’s comprehensive security sector reform programme did not make this

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<sup>44</sup> Baker, “Who Do People Turn to for Policing in Sierra Leone?,” 175.

<sup>45</sup> Ibid; Thompson, “In Pursuit of Justice,” 28.

<sup>46</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 29.

<sup>47</sup> Ibid.

<sup>48</sup> Gbla, “Security Sector Reform Under International Tutelage,” 86.

<sup>49</sup> Albert Pacey, quoted in Hills, “Towards a Critique of Policing and National Development in Africa,” 289.

<sup>50</sup> Call and Barnett, “Looking for a Few Good Cops,” 65.



mistake. Police reform became a key agenda within SSR efforts and the Family Support Units, a landmark project within this. The reforms have not been without their challenges, and it remains apparent that ‘legacies of mistrust are difficult to overcome; [and that] a culture of reliance on and trust in the police is difficult to create.’<sup>51</sup> The unhappy history of the SLP cannot be entirely wiped clean by SSR efforts, but only learned from and slowly built upon, in order that more effective policing might be established for the post-conflict environment.

### **UK Police Reform Efforts**

Reform of the Sierra Leone Police has occurred in the face of a dismal reputation of the force amongst the public. A small survey carried out in 1998 revealed that 100% of respondents viewed the police as corrupt, 83.3% said the police are generally bad, 90% claimed the police victimise people and 100% said the police ask for money in police stations.<sup>52</sup> Initial investigations by reformers also revealed that 87% of police personnel had never seen the Police Force Standing Orders, which set out official procedures.<sup>53</sup> The road to recovery was clearly daunting.

#### *A framework for a new police service*

Upon democratic election in 1996, President Kabbah invited the UK to assist with reforming the SLP.<sup>54</sup> Through the Commonwealth Secretariat, DFID sent their initial CPDTF deployment to Sierra Leone in 1997. The AFRC coup of that year, as well as the rebel invasion of Freetown in 1999 disrupted reform efforts, and the ability of the programme to make substantial progress was thus limited. However, important policy advancements were achieved in this time. In 1998 the Government of Sierra Leone published its Policing Charter, detailing the future role of the police in relation to both the government and the community. The Charter emphasises that equal opportunities and merit will govern recruitment procedures within the police and that behaviour will be professional and respectful of human rights.<sup>55</sup> The aim, the Charter states, ‘is to see a reborn Sierra Leone Police, which will be a **force for good** in our Nation.’<sup>56</sup> A ‘force for good’ has since become the slogan of the post-war SLP.

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<sup>51</sup> Gordon Peake, *Policing the Peace: Police Reform Experiences in Kosovo, Southern Serbia and Macedonia* (London: Saferworld, January 2004), 14.

<sup>52</sup> Adrian Horn et al, “Operation Back to Basics,” 2001, private document, 2.

<sup>53</sup> Ibid.

<sup>54</sup> Stone et al, “Supporting Security, Justice, and Development: Lessons for a New Era,” 17.

<sup>55</sup> Sierra Leone Police, “The Sierra Leone Policing Charter,” 1998.

<sup>56</sup> Ibid, (emphasis in original).

Aside from the broad mission statement provided by the Policing Charter the reform team were aware that the SLP also needed a strategy for operationalising the Charter's goals. The formulation of this strategy was typical of decision making throughout the initial SSR period. It is important to note that DFID did not have a devolved office in Sierra Leone at this point. The DFID Sierra Leone office was not opened until 2005. This meant that personnel deployed to Sierra Leone had no in-country supervision. DFID, and the UK government more generally, also had no actual policy setting out what SSR was. The concept, first coined in 1997, was rather a loose and ill-defined catch-all category that held little content itself. Thus, a surprising revelation to come out of the SSR programme in Sierra Leone was that the various reform programmes which, over time, came to be conceptually bundled together as SSR were initially quite disparate.<sup>57</sup> Decisions were taken by individuals on the ground, with little input from headquarters in London.<sup>58</sup> The formulation of a policing model to operationalise the Policing Charter's goals was developed in this way. Following the latest trends in international policing, initial discussions centred on the concept of community policing. Mike Brogden, in an article criticising the community policing 'missionaries', suggests that community policing is not nearly as value-free as suggested and often becomes the policing model of choice by default, when faced with policing practices that lack legitimacy, and few other workable solutions in 'failed state' environments.<sup>59</sup> In Sierra Leone this term was rejected on the basis of other weaknesses, as explained by IGP Biddle recounting a meeting in which the idea of community policing was being put forward:

I said "okay I don't know what it [community policing] is. You tell me what it is, you tell me what it is, you tell me what it is." And no matter how many people you put in the room, you'll get more opinions on what community policing is from them than the people who are giving opinions. So I said "right if we don't know what it is, we ain't doing it." ... So let's lose the term Community Policing. Now you go to the British police college at Bramshill and ... two thirds of the books in that are about Community Policing and not one of those books agrees with the other, so that's where I came from. I said "look if we are going to do it from scratch we are not doing it on anybody's theory from Canada, some backwards town in West Virginia or whatever, we are going to start this from scratch".<sup>60</sup>

On this basis, Biddle, as head of the CPDTF along with Project Manager Adrian Horn (also a

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<sup>57</sup> Author interviews with Keith Biddle, Inspector General of Sierra Leone Police and Head of Commonwealth Community Safety and Security Project, 13 September 2008; and Adrian Horn, Project Manager, Commonwealth Community Safety and Security Project, 10 October 2008.

<sup>58</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 8.

<sup>59</sup> Mike Brogden, "'Horses for Courses' and 'Thin Blue Lines': Community Policing in Transitional Society," *Police Quarterly* 8, no. 1 (March 2005): 64-98.

<sup>60</sup> Author interview with Keith Biddle, Inspector General of Sierra Leone Police and Head of Commonwealth Community Safety and Security Project, 13 September 2008.

retired UK police officer) set out to develop a Sierra Leone-specific model of policing. Left to their own devices, their in-country decision making took place whilst cooped up in a hotel room, along very different lines from the structured policy making processes within DFID headquarters. Adrian Horn recounts the experience:

Oh God we were ill ... We sat in a hotel room, I went out scavenging and came back with some cheese ... some cream crackers, some chocolate ... We sat and had a banquet. We sat there crying into our beer and thought what the hell are we going to do? ... What's the model of policing going to be? What are we talking about here?<sup>61</sup>

It was this style of on-the-ground decision making with little access to outside resources, rather than carefully enunciated policy derived from the research branches of the British civil service that resulted in Local Needs Policing (LNP), the philosophy that guided DFID's policing reform programme in Sierra Leone. Gordon Peake, Eric Scheye and Alice Hills have noted the prevalence of an "anaemic relationship between headquarters and field personnel" in several SSR programmes including Sierra Leone. They note that:

policy guidance on SSR either did not exist at headquarters or, when it did, was not communicated to practitioners who improvised instead. This situation owed much to the manner in which donors are organised; high personnel turnover causes information to hemorrhage. It also resulted from the form in which advice was presented by headquarters staff; it was usually non-specific and unrelated to the practical challenges of fieldwork.<sup>62</sup>

Policing staff in the field therefore made decisions and operated on a surprisingly independent basis.

Returning to his hotel room, Horn spent the evening stripping back various policing models – community policing, intelligence-led policing, zero tolerance policing – to their bare bones and asked, 'what are we all getting at?'<sup>63</sup> He concluded:

We are talking about a system of policing that meets the needs and expectations of the local community, but delivered within national standards and guidelines. That's it, and one of the reasons why it's about "local community" and "meets the needs and expectations" is because the needs of people in Freetown are very different to the needs in Makeni, the needs out in Bo, wherever. Because the needs and expectations change through time and through geographical

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<sup>61</sup> Author interview with Adrian Horn, Project Manager, Commonwealth Community Safety and Security Project, 10 October 2008.

<sup>62</sup> Gordon Peake, Eric Scheye and Alice Hills, "Conclusion", in *Managing Insecurity*, eds. Gordon Peake, Eric Scheye and Alice Hills (London: Routledge, 2008), 165.

<sup>63</sup> Author interview with Adrian Horn, Project Manager, Commonwealth Community Safety and Security Project, 10 October 2008.

positions, so if you are in the ... diamond [mining] region [there are] very different needs to when you are in the palm oil growing areas.<sup>64</sup>

The policy of Local Needs Policing thus came to guide the operationalisation of the Policing Charter. LNP was to be delivered through Local Command Units (LCUs), which were defined as ‘bod[ies] of people, effectively and efficiently managed, accountable and with devolved authority designed to deliver the policing needs of the local community.’<sup>65</sup> In order to tailor policing to the needs and requirements of local communities, it was deemed important to devolve authority as much as possible to avoid over-centralised and thus uniform policy prescriptions that would mask regional differences. This was particularly important given over-centralisation of government functions in Freetown under the APC’s one-party rule. There are now 26 LCUs across Sierra Leone, offering policing based upon localised needs, rather than centralised command.<sup>66</sup> Yet as the FSU case study below will demonstrate, this attempt to police on the basis of local needs does not always take local conditions (in this case, the presence of informal policing providers) sufficiently into account.

### *Police Reform Achievements*

Upon reassembling the CPDTF in August 1999 after the rebel invasion of Freetown, there was greater recognition within the UK civil service of the need to incorporate the police reform programme more fully into the concept of SSR.<sup>67</sup> As Albrecht and Jackson note:

It was clearly and urgently understood, that while the SSR process initially had been started out of concern over the role of the armed forces in politics, the brunt of security tasks in a stable Sierra Leone would fall on the SLP. This line has been consistently followed ever since.<sup>68</sup>

Police reform was thus formally unified with other elements of SSR under the Sierra Leone Security Sector Reform Programme (SILSEP), funded by DFID and, as of 2001, the Africa Conflict Prevention Pool.<sup>69</sup> Police reform was also recognised from 1999 as being as critical as other areas of SSR, given its contribution to law and order, peace, and thus development. As DFID notes, ‘[i]mprovements in the economy and quality of life are urgently required to

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<sup>64</sup> Ibid.

<sup>65</sup> Adrian Horn, “From Crisis to Confidence – Re-establishing the Sierra Leone Police: The Development of a Local Policing Model,” Information Paper, Police Council Meeting, 12 November 1998.

<sup>66</sup> Adrian Horn, “The Development of a Local Needs Policing Model,” private document, October 2001.

<sup>67</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 5.

<sup>68</sup> Ibid.

<sup>69</sup> Piet Biesheuvel, Tom Hamilton-Baillie and Peter Wilson, “Sierra Leone Security Sector Reform Programme: Output to Purpose Review,” April 2007, [http://s4rsa.wikispaces.com/file/view/SILSEP\\_07.doc](http://s4rsa.wikispaces.com/file/view/SILSEP_07.doc), accessed 6 August, 2009, 5.

underpin support for democracy and the rule of law. In this context Police Reform with its aim of improving security and safety is a key area.’<sup>70</sup>

In November 1999, President Kabbah, with the sanctioning of the Sierra Leone Parliament, appointed Keith Biddle as the IGP for an initial two year period. Whilst potentially an unpopular decision in the face of calls for greater local ownership, Biddle represented a politically neutral choice at a time when the position of IGP was highly politicised. Biddle thus led the SLP through its fledgling years, before being replaced by a Sierra Leonean IGP, Brima Acha Kamara in 2003. Initial reform efforts focused on readying the SLP for security provision during the 2002 national elections. Reforms included provision of uniforms, equipment and basic necessities such as medicines, clean water and sanitation.<sup>71</sup> These adjustments, whilst not revolutionising the way the SLP functioned, boosted morale and was an important step in being seen to be ‘doing something’ and thus gaining support from within and outside of the SLP.<sup>72</sup> The resourcing also improved the visibility of the police, as officers were now identifiable by their uniforms and were increasingly mobile thanks to transport and radios.

More institutional changes were also made. Under Biddle’s leadership the rank structure was overhauled in order to flatten the hierarchy and shorten lines of communication.<sup>73</sup> The number of ranks dropped from 22 to 10, with those affected demoted to the next lower rank. This change ‘provided much needed space to clarify and redefine the roles and responsibilities of police personnel, a significantly politically sensitive process.’<sup>74</sup> Other key reforms included the institutionalisation of the Complaints, Discipline and Internal Investigations Department (CDIID). This was the first initiative within the history of policing in Sierra Leone that provided channels for public complaints of police malpractice. The CDIID has led to improved discipline and the dismissal of unfit officers.<sup>75</sup> The impact has been a behaviourally improved SLP that is more professional and trustworthy in the eyes of the community.<sup>76</sup>

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<sup>70</sup> DFID, “Sierra Leone Safety, Security and Access to Justice,” Commonwealth Community Safety and Security Project, Project Memorandum, April 2000, 21.

<sup>71</sup> Stone et al, “Supporting Security, Justice, and Development,” 18.

<sup>72</sup> Ibid.

<sup>73</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 6.

<sup>74</sup> Ibid.

<sup>75</sup> Bruce Baker and Roy May, “A Sustainable Peace? Sierra Leone,” in *Ending Africa’s Wars*, eds. Oliver Furley and Roy May (Aldershot: Ashgate, 2006), 222.

<sup>76</sup> Author interview with Kadi Fakondo, Assistant Inspector General of the Sierra Leone Police, 25 February 2009.

More controversially, the Special Security Division was reinvigorated in the late 1990s. Albrecht and Jackson explain the shift in attitude towards the SSD:

Up until the 1992 coup, the SSD had been Siaka Stevens' personal security force and indeed there was a strong inclination in the executive to dismantle the SSD altogether. However, when the RUF and remnants of the AFRC attacked Freetown in January 1999 the SSD came to play a vital role in the defence of the city. This loyalty led to a complete shift in perceptions of the force.<sup>77</sup>

It was also recognised that if the SLP was to act as a serious deterrent to violent crime and disorder, it would require an armed division.<sup>78</sup> The Operational Support Group (OSG) was thus formed as a sub-section of the SSD. The OSG have approximately 2,500 personnel (of which approximately 1,000 are support staff) of a total SLP force capacity of approximately 9,500.<sup>79</sup> DFID provided non-lethal force equipment and training – such as teargas and batons, whilst lethal force requirements were deemed inappropriate for poverty reduction spending, and passed on to the FCO.<sup>80</sup> The OSG went on to play an important role in the establishment of post-conflict peace, filling the security vacuum created by the withdrawal of the Economic Community of West African States Monitoring Group (ECOMOG) in 2000, which had intervened in 1998 to eject the AFRC coup leaders and reinstate President Kabbah in office. Given the high numbers of former combatants roaming the streets of Freetown at this time and the history of RUF targeting of police, unarmed SLP officers were unwilling to patrol the streets.<sup>81</sup> In this situation, the OSG was vital. It was, however, not uncontroversial, with many in London, including DFID's Permanent Secretary and Clare Short, concerned about straying beyond a development mandate.<sup>82</sup> Ultimately, however, the pragmatic argument of those on the ground won out. As Keith Biddle explains:

these people [arguing against the OSG in London] weren't there ... We were getting shot at everyday ... and they wanted the army off the streets ... but the police had to be sufficiently robust that they could deal with the incidents and make the arrests. If everybody is carrying AK-47s there is no point in sending policemen round with a piece of wood in their pocket saying "please would you put your AK-47 down". It doesn't work.<sup>83</sup>

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<sup>77</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 7.

<sup>78</sup> Ibid.

<sup>79</sup> Baker and May, "A Sustainable Peace?," 222.

<sup>80</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 7; Author interviews with Keith Biddle, Inspector General of Sierra Leone Police and Head of the Commonwealth Community Safety and Security Project, 13 September 2008; and Adrian Horn, Project Manager, Commonwealth Community Safety and Security Project, 10 October 2008.

<sup>81</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 7-8.

<sup>82</sup> Author interview with Keith Biddle, Inspector General of Sierra Leone Police and Head of the Commonwealth Community Safety and Security Project, 13 September 2008.

<sup>83</sup> Ibid.

At the other end of the policing spectrum, softer community policing tactics were also being established. Local Police Partnership Boards (LPPBs) were set up in every division. These operate in a similar way to Neighbourhood Watch schemes, allowing ‘local communities a voice in how they want to be policed.’<sup>84</sup> The LPPBs meet every month and are attended by local SLP representatives and a mixture of traditional authorities, women and youth representatives, as well as other interested community members. Their success appears to vary across the country, as well as from division to division.<sup>85</sup> The initiative overall, however, fits well with Sierra Leone’s post-conflict goal of ensuring that ‘*security na la man bizness*’ (security is everyone’s business).<sup>86</sup> It also appears cognisant of the historical problems the police have faced as an imposed institution (first by the colonial government and later by post-independent governments). This history bequeathed a police force that was apart from the community and served institutional or regime, rather than citizen, interests. The LPPBs represent a turn towards more localised, community-embedded policing that will protect citizens and enforce their rights according to local needs.

Additionally, the police reform programme has reformed the Police Council that provides oversight of the SLP. Reforms have also ‘created audit and inspection systems ... introduced a shift system, reduced absenteeism and fraud, and reduced the inappropriate treatment of suspects and crime victims.’<sup>87</sup> By 2002, SLP reforms were being rolled out in the provinces, with the war in Sierra Leone officially declared over in January of that year.<sup>88</sup>

Achievements have clearly been impressive. To contrast the survey results at the beginning of this section, a survey commissioned by the SLP in 2004 suggests striking progress:

Being carried out in 4 urban areas (Freetown, Makeni, Bo, Kenema) it [the survey] gives a snapshot of urban perceptions. Importantly only 15 per cent felt that there had been “no improvement” in SLP behaviour, whilst 46 percent thought there had been “a great improvement in police attitude”, particularly as regards human rights and “rudeness”.<sup>89</sup>

This turnaround in public perception is based not only upon good public relations campaigns, but also improved behaviour, professionalism and service by the SLP. Their successes have

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<sup>84</sup> Justice Sector Coordination Office, “Justice Sector Survey 2008” (Freetown: Justice Sector Coordination Office and Government of Sierra Leone, 2008), 38.

<sup>85</sup> Baker, “Who do people turn to for policing in Sierra Leone?,” 178.

<sup>86</sup> Hanson-Alp, “Civil-Society’s Role in Sierra Leone’s Security Sector Reform Process,” 7.

<sup>87</sup> Stone et al, “Supporting Security, Justice, and Development: Lessons for a New Era,” 18.

<sup>88</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 8.

<sup>89</sup> Baker, “Who do People Turn to for Policing in Sierra Leone?,” 176.

also been recognised internationally with SLP officers now serving with United Nations Peacekeeping Operations in Haiti and Darfur.<sup>90</sup>

Yet there are also challenges. Funding is a recurrent problem for all social services in Sierra Leone, a country where the government remains excessively donor reliant.<sup>91</sup> As SSR programmes wind down, with complete pull out expected by 2011, public services such as the police have to vie with traditional development programmes in order to attract donor funds. This is no easy task, with DFID, for example, shifting its agenda away from security towards human development and capacity building in early 2009.<sup>92</sup>

Many people in Sierra Leone also still view the police as corrupt, and they are not necessarily the first port of call for those with crimes to report, particularly outside of urban areas.<sup>93</sup> Osman Gbla claims that ‘[i]n 2003, people continued to see the police as the weakest link in the security system.’<sup>94</sup> This view must also be tempered, however, by the fact the SLP are the most visible of the security forces, and those with most contact with the public. Other parts of the security sector may merely escape such criticism because their behaviour is not on such public display. There is a danger too of unrealistic expectations. As Gordon Peake aptly highlights:

one should not expect too much too soon from new police forces. These are for the most part inexperienced forces, operating within politically uncertain contexts, where there is no recent experience of a legitimate local force. Police forces tend to be among the most visible symbols of the transition from conflict to peace, and are therefore almost always burdened with high expectations. It is hardly surprising that under-paid, under-equipped, under-trained and under-staffed forces almost always find such hopes difficult to fulfil. That these police forces may not live up to expectations is perhaps less a function of their own failings than a reflection of the multiplicity of demands placed upon them.<sup>95</sup>

Undoubtedly there will be aspects of the Sierra Leone police reform programme that prove to be more and less effective. On the whole, it seems indisputable that the SLP now provide a markedly improved service to the community than they did prior to reforms. There is little to

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<sup>90</sup> Kadi Fakondo, “Reforming and Building Capacity of the Sierra Leone Police, 1997-2007,” Working Paper Series, Paper No. 8, October 2008, 5.

<sup>91</sup> Baker, “The African post-conflict policing agenda in Sierra Leone,” 41; Ylber Bajraktari et al, “The PRIME System: Measuring the Success of Post-conflict Police Reform.” January 2006. [http://www.princeton.edu/research/final\\_reports/f05wws591b.pdf](http://www.princeton.edu/research/final_reports/f05wws591b.pdf). Accessed 3 September, 2008, 67.

<sup>92</sup> Author interviews with DFID Sierra Leone staff, February – April 2009.

<sup>93</sup> Bruce Baker, “Beyond the State Police in Urban Uganda and Sierra Leone,” *Afrika Spectrum* 41, no. 1 (2006): 56-57.

<sup>94</sup> Gbla, “Security Sector Reform Under International Tutelage,” 87.

<sup>95</sup> Peake, *Policing the Peace*, 43.



be gained from criticising the less successful aspects of reform. It is relatively easy to poke holes in the professionalism of the SLP by pointing to the petty corruption of the traffic police, for instance. There is a greater need and greater merit in critiquing the policing success stories, which have to date received only brief academic attention, and even then only to be singled out for praise.<sup>96</sup> It is these success stories that are the likely candidates to be included in future SSR programmes and thus their challenges and lessons that are more practically useful in terms of institutional learning. It is for these reasons that the Family Support Units will be the focus of the remainder of this chapter. They are perceived as a success story of Sierra Leonean police reform and are representative of the new style of policing that DFID has sought to promote in Sierra Leone – bundling together concepts of local ownership, human rights and security in a hard-not-to-like programme.<sup>97</sup> This is evidenced by the large numbers of donors and NGOs keen to support the FSUs, at least in their initial years of operation.<sup>98</sup>

### **The Evolution of the Family Support Units**

Women and children have been recognised since the 1990s as the most vulnerable group in conflict situations, constituting 90 per cent of casualties.<sup>99</sup> Their vulnerability also lingers into the post-war environment, when pre-war power structures, such as patriarchy, seek to reassert themselves in peacetime.<sup>100</sup> This was apparent at the close of the conflict in Sierra Leone, particularly amongst groups of former-combatants and their dependents. The dire situation in which women often found themselves at the end of the war should not be underestimated. It is not only that women in Sierra Leone live in a highly patriarchal society but that this oppression is now taking place in a post-conflict society where the bonds that previously gave women some form of protection have been shattered. As families were destroyed or forced apart by conflict, women became terrifyingly disaffiliated – without parents, brothers or other familial elders to ensure that their husbands did not treat them excessively harshly.<sup>101</sup> The

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<sup>96</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 7; Gbla, “Security Sector Reform Under International Tutelage,” 87; Osteria, “Achieving Gender Equality and Equity”; Stone et al, “Supporting Security, Justice, and Development: Lessons for a New Era,” 18.

<sup>97</sup> Staff at the Lumley FSU indicated that they had had substantial NGO interest in assisting with aspects of the FSU project. Author interview with Officer in Charge, Lumley Family Support Unit, 5 March 2009.

<sup>98</sup> Author interview with Kadi Fakondo, Assistant Inspector General of the Sierra Leone Police, 25 February 2009.

<sup>99</sup> Jennifer Turpin, “Many Faces: Women Confronting War,” in *The Women and War Reader*, eds. Lois Ann Lorentzen and Jennifer Turpin (New York: New York University Press, 1998), 4.

<sup>100</sup> Anita Schroven, *Women After War: Gender Mainstreaming and the Social Construction of Identity in Contemporary Sierra Leone* (Berlin: Lit Verlag, 2006), 9.

<sup>101</sup> This is not to suggest that women were always treated admirably in pre-war times. However, it was possible

extreme violence that women suffered both during and post-conflict was thus facilitated by social disaffiliation and goes far beyond ‘normal’ levels of oppression or violence.

Kadi Fakondo has been a police officer in Sierra Leone since 1984. As a cadet she was the only female in her intake and was ridiculed by her male colleagues as she awkwardly scrambled in and out of police trucks in her SLP-issued skirt – trousers were not allowed for female officers.<sup>102</sup> Twenty-five years later, she is the highest ranking female in the SLP, holding the position of Assistant Inspector General. In 1999, after the rebel invasion of Freetown, IGP Biddle appointed Fakondo Commander of Kissy Division. Kissy, in the east of Freetown, was a rebel stronghold throughout the RUF-occupation of the city. Since then, it has been a melting pot of former-combatants and their dependents – wives, children, other relations and clients.<sup>103</sup> Former-combatants have struggled with the return to peacetime and the changes to their power and status that this has brought. No longer able to wield power through the gun, former-combatants risk losing the very things that power was able to bring them – respect, resources and ‘wives’. Throughout the civil war in Sierra Leone, combatants from all factions entered into informal marriages, which created the category of ‘bush wives’. These women were both abductees and volunteers, who joined the fighting forces and often travelled with them. While it has been suggested that some of these unions were consensual,<sup>104</sup> there are many reported incidences of coercion – including rape and gang rape.<sup>105</sup> Some of these attacks on women were particularly pernicious as an Amnesty International Report graphically demonstrates:

A 14-year-old girl was stabbed in the vagina with a knife because she had refused to have sex with the rebel combatant who abducted her. Another woman had small pieces of burning firewood inserted into her vagina. One 16-year-old girl was so badly injured after repeated rape that, following her escape, she required a hysterectomy.<sup>106</sup>

Women were either forced into informal marriages, or sought the relative protection of

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for women to complain to their families about violent treatment by their husbands (which served no one’s interests given the value put on women’s productive and reproductive qualities). In such circumstances women were sometimes able to return to the familial home, in exchange for the return of the bride price.

<sup>102</sup> Kadi has since introduced the option of trousers for female police officers within the SLP. Author interview with Kadi Fakondo, Assistant Inspector General of the Sierra Leone Police, 25 February 2009.

<sup>103</sup> Ibid.

<sup>104</sup> Author interview with Member C, Promoters of Peace and Justice Freetown, 13 March 2009.

<sup>105</sup> David Keen, *Conflict and Collusion in Sierra Leone* (New York, NY: Palgrave, 2005), 242

<sup>106</sup> Amnesty International, “Sierra Leone: Rape and Other Forms of Sexual Violence Against Girls and Women,” 29 June, 2000, <http://www.amnesty.org/en/library/asset/AFR51/035/2000/en/bf9f0ced-deed-11dd-b263-3d2ffbc55e1f/afr510352000en.pdf>, accessed 7 August, 2009, 2.

pairing with one man, to avoid assault by others.<sup>107</sup> Women were generally perceived as being lower down the pecking order than men in terms of access to often limited resources of food, water and medicines. Informal marriages also offered a way, then, of securing access to these valuable commodities.<sup>108</sup> The ‘marriages’ were thus as much about survival as they were about choice, involving little more than the informal pairing of men with women on the basis of mutual (although rarely equal) benefit. In return for the man providing food, water, medicines and protection from others, his ‘wife’ would cook for him, sleep with and tend to him.<sup>109</sup>

At the end of the war, when former-combatants’ access to resources and ability to protect was no longer a necessity, women did not always feel compelled to continue providing their services either (which have been characterised in some circumstances as domestic and sexual slavery).<sup>110</sup> Many sought to make themselves independent from their partners, often attempting to take their children with them. In an effort to maintain whatever resources (including women and children) they had left, former-combatants often violently prevented their dependents from leaving. As Fakondo explains:

As their so-called ‘wives’ struggled to regain their freedom (for jungle justice was no longer applicable in the city) there was stiff resistance on the part of the ex-combatants who wanted to retain them. This precipitated a dramatic rise in domestic violence cases, which overwhelmed my personnel. I decided to create a special unit to handle them.<sup>111</sup>

Originally launched as the Domestic Violence Unit in just Kissy, by 2001 the Unit was transformed into the Family Support Unit with the help of IGP Biddle and UK advisers.<sup>112</sup> The FSU, unlike the Domestic Violence Unit, was intended to respond to all crimes involving women and children, not just sexual and domestic violence offences.<sup>113</sup>

### **The Family Support Units: Purpose and Procedures**

The purpose of the FSUs has evolved from the original aim of providing a legal response mechanism against domestic violence. As part of gender mainstreaming efforts within

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<sup>107</sup> Augustine S.J. Park, “‘Other Inhumane Acts’: Forced Marriage, Girl Soldiers and the Special Court for Sierra Leone,” *Social and Legal Studies* 15, no. 3 (2006): 327.

<sup>108</sup> Keen, *Conflict and Collusion in Sierra Leone*, 44.

<sup>109</sup> Park, “‘Other Inhumane Acts’,” 327.

<sup>110</sup> Amnesty International, “Sierra Leone: Rape and Other Forms of Sexual Violence Against Girls and Women.”

<sup>111</sup> Kadi Fakondo, “Reforming and Building Capacity of the Sierra Leone Police,” 3.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

international reform programmes more generally, the FSUs recognise that women and children face different threats and thus require a different manner of policing to men. The FSUs tailor their policing style to the needs of women and children. For instance, each Unit in theory has toys and spare clothes for children to assist in providing a safe and comfortable space for them to be interviewed. In practice, however, many Units do not have the funding to maintain these facilities.<sup>114</sup> Each Unit is also meant to have a dedicated social worker, in recognition of the fact that many crimes involving women and children are characterised by trauma and abuse. However, again, in practice only about 30 per cent of FSUs provide a social worker, although this rises to 75 per cent in Freetown and the Western Area.<sup>115</sup> This tailored policing style seeks to encourage greater reporting of crimes involving women and children, in order to end the ‘culture of silence’, as one Officer in Charge of an FSU termed it.<sup>116</sup> This ‘culture of silence’ refers to the tolerance of women and children as second class citizens within Sierra Leone and the tacit acceptance of violence (both physical and emotional) against them.<sup>117</sup> A case study on Sierra Leone by the United Nations Population Fund found:

The causes of domestic violence are embedded in customs and traditions and in people’s attitudes and acceptance of gender inequity and inequality as the norm. Participants in the focus-group discussions confirmed that acts such as wife-battering, sexual assault and marital rape between intimate partners or the maltreatment of children by parents or other caregivers were common.<sup>118</sup>

Not only were these practices found to be commonplace, more concerning still was the fact that many women also thought such practices were acceptable. For instance, the case study draws upon an unpublished Human Rights Watch report which revealed that, based on interviews with urban women between 1998 and 2000:

more than 60 per cent still believed that a man had the right to beat his wife if she disobeyed him. Other empirical evidence indicated that it was a wife’s duty to have sex with her husband, even if she didn’t want to ... Other common beliefs include the following:

- Beating one’s wife or partner is a man’s way of showing that he loves her;
- A married man who does not have extramarital affairs is weak and abnormal;
- A wife who speaks out about her family is a disgrace to that family;

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<sup>114</sup> Author interview with Bo Family Support Unit staff, 19 March 2009.

<sup>115</sup> Karen Barnes with Peter Albrecht and Maria Olson, “Addressing Gender-Based Violence in Sierra Leone: Mapping Challenges, Responses and Future Entry Points” (London: International Alert, August 2007), 24.

<sup>116</sup> Author interview with Officer in Charge, Lumley Family Support Unit, 5 March 2009.

<sup>117</sup> Ibid.

<sup>118</sup> United Nations Population Fund, “Gender-based Violence in Sierra Leone: A Case Study” (New York, NY: UNFPA, 2005), 9.

- A good wife is expected to accept patiently whatever treatment is meted out to her by her husband and his relatives;
- A survivor of gender-based violence who reports an incident to the police is blamed for embarrassing her husband; and
- Reports made by a woman against her husband may not be addressed or validated by the police because they consider such cases to be family matters to be settled at home.<sup>119</sup>

Family Support Units attempt to confront such misinformation, often believed to be a part of ‘tradition’ or ‘culture’. In providing a legal avenue for reporting, investigating and prosecuting crimes against women and children, the FSUs are demystifying beliefs about the acceptability of abuse and exploitation. The aim is to create safer households and communities for women and children. As one FSU staff member told me, establishing peace countrywide is dependent first of all on establishing domestic peace.<sup>120</sup> This will form the bedrock for a peaceful future.

In achieving this aim, the FSUs have established themselves as Units separate from police stations. While often housed within the same grounds, FSUs are located in a separate building, and FSU police officers do not wear uniforms. The number of staff in each Unit varies, but ranged from nine to 15 police officers, plus one social worker in the Units I visited. The police officers are provided with specialist training to work in the FSUs. Whilst women in particular are urged to apply there is no quota system and FSUs are still male-dominated countrywide.<sup>121</sup> This is reflective of the sex breakdown of SLP staff more generally, with approximately 1,550 women in a force of 9,500.<sup>122</sup> Social workers are provided by the Ministry of Social Welfare, and train with the police in techniques for joint investigations of abuse.<sup>123</sup> Training covers awareness raising, human rights, media and communication skills, record keeping and sexual investigation.<sup>124</sup> The social workers are available to FSU complainants from the time they enter the Unit, through to the prosecution stages, when the case has technically left the FSU’s mandate and been passed onto Public Prosecutions.<sup>125</sup>

Upon entering the FSU, complainants are interviewed by the Non-Commissioned Officer in

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<sup>119</sup> Ibid, 9-10.

<sup>120</sup> Author interview with Bo Family Support Unit staff, 19 March 2009.

<sup>121</sup> Author interview with Kadi Fakondo, Assistant Inspector General of Sierra Leone Police, 25 February 2009.

<sup>122</sup> Margarete Jacob, “Engendering Security Sector Reform: Sierra Leone and Liberia Compared,” Workshop Report, Engendering Security Sector Reform, Berlin, 7 November, 2008, [www.ssrnetwork.net/uploaded\\_files/4534.pdf#page=54](http://www.ssrnetwork.net/uploaded_files/4534.pdf#page=54), accessed 22 July, 2009, 61.

<sup>123</sup> Fakondo, “Reforming and Building Capacity of the Sierra Leone Police,” 3.

<sup>124</sup> United Nations Population Fund, “Gender-based Violence in Sierra Leone: A Case Study,” 18.

<sup>125</sup> Author interview with Bo Family Support Unit staff, 19 March 2009.

Charge of Crime (NCOIC), in the presence of the social worker (in the case of children, interviews are conducted solely by the social worker).<sup>126</sup> On the basis of this interview, the NCOIC decides whether there is cause for criminal investigation. If not, the complainant is referred to alternative services, provided (at least in theory) by the Ministry of Social Welfare, Local Court or civil society.<sup>127</sup> If it is found that there may be a criminal case to answer, the interview is recorded at the Police Station, and the case is passed on to an FSU Investigator, who carries out their investigations in conjunction with the social worker.<sup>128</sup> This may involve referral to hospital for medical examination (escorted by a female police officer if the complaint is of a sexual nature), interviews of witnesses and the accused, background research and checks, as well as collection of evidence.<sup>129</sup> If a case can be made, it will be charged to the Magistrates Court under formal English law (rather than customary law).<sup>130</sup> Since their countrywide roll-out in 2001, the FSUs have been actively promoted through awareness raising activities within communities and on the radio. Sensitisation campaigns have also been held in order to generate understanding of the FSUs role and realisation of the unacceptability of violence against women and children.<sup>131</sup>

The FSUs have received widespread praise as a success story of Sierra Leone's security sector reform programme. In fact, mention of the FSUs is almost entirely limited to brief statements about their success, gender awareness or local innovation. There is no in-depth examination of their working procedures and even less empirical investigation of their impact upon women and children. For instance, a consultant report notes:

A particularly successful intervention within the Sierra Leone police has been the establishment of Family Support Units. These units provide improved service to victims of sexual and domestic abuse and also begin to prevent such crimes by raising their profile. The units are staged jointly by police officers and social workers who together deal with family issues and child protection.<sup>132</sup>

This is the extent of their examination of the FSUs. Albrecht and Jackson, whilst providing 'information boxes' that draw upon primary sources to explain the problems that led to the

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<sup>126</sup> Ibid; Author interviews with Officer in Charge, Lumley Family Support Unit, 5 March 2009; and Kenema Family Support Unit staff, 20 March 2009.

<sup>127</sup> Author interviews with Officer in Charge, Lumley Family Support Unit, 5 March 2009; and Bo Family Support Unit staff, 19 March 2009.

<sup>128</sup> Ibid.

<sup>129</sup> Author interview with Bo Family Support Unit staff, 19 March 2009.

<sup>130</sup> Ibid.

<sup>131</sup> United Nations Population Fund, "Gender-based Violence in Sierra Leone: A Case Study," 18.

<sup>132</sup> Stone et al, "Supporting Security, Justice, and Development," 18.

FSUs and their later co-option by Liberian police reform, also limit their own analysis to a brief statement:

One of the key innovations in the immediate aftermath of the conflict was the setting up of Family Support Units (FSUs) within the SLP. They were a direct response to urgently needed public services, which were led by one of the SLP's key figures in post-conflict Sierra Leone.<sup>133</sup>

Other publications restrict their assessments of the FSUs to 'particularly successful',<sup>134</sup> or an example of good gender awareness.<sup>135</sup> The Units seem to largely escape a critical lens. Their success is not probed or tested, but claimed on no apparent evidential basis. It seems that by ticking the donor-friendly boxes of local innovation, gender awareness and the rights of women and children, the FSUs are presumed successful.

Limited criticisms of the FSUs have been made, although these seem to be in passing, rather than constituting an in-depth investigation. It has been claimed, for instance, that the FSUs lack familiarity with the Gender Act<sup>136</sup> and police remain largely insensitive to gender issues.<sup>137</sup> These criticisms do not point to problems with the FSU structure or procedures themselves. The only publication to provide substantial analysis of the FSUs (two paragraphs) is an International Alert study on gender-based violence in Sierra Leone. It determines that the FSUs face substantial organisational barriers – such as insufficient office space to provide privacy for complainant interviews and lack of office supplies.<sup>138</sup> More revealingly, it also claims on the basis of conversations with women's groups in Sierra Leone that gender-based violence remains a taboo issue, in spite of FSU sensitisation campaigns.<sup>139</sup> Overwhelmingly, however, the small literature that makes mention of the FSUs does so in a positive light. Criticisms are brief and under-examined. Despite the rare recognition that 'the empirical success [of the FSUs] is in fact rather ambiguous', no research down this track has as yet been pursued.<sup>140</sup>

The criticisms made here differ from those above, reaching to the heart of FSU operations.

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<sup>133</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 7.

<sup>134</sup> Gbla, "Security Sector Reform Under International Tutelage," 87.

<sup>135</sup> Osteria, "Achieving Gender Equality and Equity: Ten Years After the ICPD."

<sup>136</sup> Evarosa Thalia Holt-Rusmore, "The Social Reintegration of Women: Reconstructing Womanhood and Moving Past Post-Conflict in Sierra Leone," *The Berkley Undergraduate Journal* 22, no. 1 (2009): 19.

<sup>137</sup> Jacob, "Engendering Security Sector Reform: Sierra Leone and Liberia Compared," 61-62.

<sup>138</sup> Barnes et al, "Addressing Gender-Based Violence in Sierra Leone," 24.

<sup>139</sup> Ibid, 24-25.

<sup>140</sup> Jacob, "Engendering Security Sector Reform: Sierra Leone and Liberia Compared," 61.

They point to the FSUs' failure to take into account challenges to their very purpose from informal policing mechanisms, such as chiefs and secret societies. These criticisms are intended to be constructive. Whilst the success of the FSU project is currently limited in significantly impacting the majority of women in Sierra Leone, the potential and motivation is apparent. By recognising and engaging with the challenges posed by the informal, the work of the FSUs will reach their target beneficiaries more directly, improving the effectiveness of DFID's policing reform programme more broadly.

### **Challenges to the FSUs**

The FSUs have been set up to protect the rights of women through crime response, as part of DFID's broader SSR efforts to democratise and improve security sector practices. They aim to be the primary provider of policing in this regard. Currently however, they are challenged by chiefs and secret societies who remain the primary dispensers of policing for as much as 85% of the Sierra Leonean population,<sup>141</sup> particularly relating to the subjugated categories of women and children.<sup>142</sup> As a consequence, the ability of the FSUs to achieve their aim of improved policing for the majority of women is limited and the historic divide between 'modern' state policing for some and 'traditional' informal policing for others remains. Thus, DFID's engagement with state security forces to the exclusion of informal security forces, on the basis of its understanding of the conflict as caused by state failure, limits the ability of DFID's SSR programme to achieve its aims.

Chiefs and secret societies provide significant services in terms of resolving conflict and maintaining order within their communities. This is particularly so regarding issues of domestic violence and crimes of a sexual nature, which the FSUs claim as falling within their mandate. The stronghold possessed by informal mechanisms in the field also claimed by the FSUs, suggests that the ability of the Units to have a lasting impact upon the rights of women requires accommodation of or engagement with chiefs and secret societies. This is not necessarily straightforward. The policing provided by these two alternatives are strikingly different, with FSUs representing Western-style policing based upon universal human rights, and chiefs and secret societies frequently portrayed as promoting 'traditional' customs, which

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<sup>141</sup> The percentages cited for the extent of reliance on informal policing and justice providers ranges from 70 – 90%. Human Rights Watch, "Sierra Leone: Events of 2008," <http://www.hrw.org/en/node/79252>, accessed 27 July, 2010; Baker, "Who Do People Turn to for Policing in Sierra Leone?"; Author interviews with John Magbity, Primary Justice Manager, Justice Sector Development Programme, 8 April 2009; and Piet Biesheuvel, Libra Advisory Group (SSR consultants to DFID), 17 October 2008.

<sup>142</sup> Barnes et al, "Addressing Gender-Based Violence in Sierra Leone," 14.



often oppress women. Not only do chiefs and secret societies respond (at times inappropriately) to crimes against women, they are also at times complicit in rendering women insecure, for instance through clitoridectomy (female circumcision). This makes FSU engagement with these providers a thorny issue. Yet these informal mechanisms remain the primary policing providers due to the high costs involved with FSU complaints procedures and cultural bias. Not engaging with them risks continuing the historical divide in Sierra Leonean policing whereby ‘modern’ policing pertains to those living in urban areas, while those in rural areas continue to rely upon ‘traditional’ policing that denies fundamental human rights. Policing reform needs to work towards overcoming this bifurcated policing system and indeed, those leading DFID’s policing reform programme seem to be attempting this through making the state police more locally-relevant, community-based and rights-respecting. Yet, in practice, the SLP are still limited in a financial, geographic and cultural sense and thereby fail to overcome the two-tier system of policing. Given their current position as primary providers of policing in this area, improving the rights of women in a practical, everyday sense, as DFID’s FSU policing project aims to do, depends upon changes to chieftaincy and secret society practices. If such changes are to be sustainable they must be the outcome of a dialogue involving the problematic institutions themselves.

### *Financial Barriers of FSUs*

Each of the FSUs visited indicated that the costs accrued by complainants in utilising the FSUs were often prohibitively expensive. There are, first of all, costs of travelling to a police station that has an FSU attached. Currently there are only 26 FSUs across Sierra Leone (with 8 of these located in the Western Area).<sup>143</sup> This means that, particularly in rural areas, many communities are a reasonable distance from FSU assistance. After initial travel to the FSU to lodge a complaint, victims reporting cases of rape or assault must obtain a medical report to file charges.<sup>144</sup> Medical reports by government doctors cost approximately 35,000 Leones (USD 11).<sup>145</sup> If the case is charged to court, there are also costs of travelling to the nearest Magistrates Court, which are located only in the major urban centres of each of the 14 Districts (for instance, in Bo District, the Magistrate Court serves 15 chiefdoms, the closest of

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<sup>143</sup> Fakondo, “Reforming and Building the Capacity of the Sierra Leone Police,” 4.

<sup>144</sup> United States Department of State, “2008 Human Rights Report: Sierra Leone,” Bureau of Democracy, Human Rights and Labor, 25 February, 2009, <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119023.htm>, accessed 17 August, 2009.

<sup>145</sup> Ibid.

which is approximately 8 miles from the Court).<sup>146</sup> Currently, due to shortages within the formal legal system, there is only one Magistrate for each District, causing excessive overburdening. This shortage is compounded when a District Magistrate is unable to perform their duties. As Castillejo highlights:

the Magistrate based in Makeni was also covering the court in Kabala, because of the lack of qualified Magistrates. Although she was supposed to visit Kabala once a week, the Magistrate had not been for almost two months because there was no money provided for her petrol. This meant that the prison was crowded with remand prisoners and struggling to cope and that the JPs [Justices of the Peace] were being forced to bail prisoners who were on remand for serious offences.<sup>147</sup>

The shortages and resultant overburdening of the justice system mean that delays in hearing cases are common. This adds to the costs incurred by a complainant, who must travel to court only to hear that their case has been adjourned and rescheduled. If complainants are not present when a case is called to be heard, the matter is dismissed.<sup>148</sup> The financial burden of travelling to court must also be considered. Costs accrued not only involve transport to the court, but also accommodation and food for the complainant and any witnesses that they bring. There are also lost earnings over the time a complainant (and their witnesses) are absent from work. In the provinces, where many survive on subsistence agriculture, this means that lost earnings directly correlate to lost food supply.

Compounding these high costs, FSU complainants tend to come from low-socioeconomic backgrounds, in a country already dogged by severe underdevelopment.<sup>149</sup> It has been estimated that 75 per cent of women in Sierra Leone live on less than USD 0.50 a day, compared to 54 per cent of men.<sup>150</sup> It is therefore the target population of the FSUs that are the least likely to be able to afford their services. This means that those suffering the greatest abuses are also those most likely to have to rely upon the informal policing options of chiefs and secret societies. Many complainants who do opt to take their allegations to the FSUs subsequently drop them prior to going to court due to the high costs involved.<sup>151</sup> Women who press charges against their husbands also often settle their disputes out of court, when faced

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<sup>146</sup> Author interview with Bo Family Support Unit staff, 19 March 2009.

<sup>147</sup> Clare Castillejo, "Building Accountable Justice in Sierra Leone," Working Paper 76, FRIDE, January 2009, 6-7.

<sup>148</sup> Author interview with Bo Family Support Unit staff, 19 March 2009.

<sup>149</sup> Author interviews with Officer in Charge, Lumley Family Support Unit, 5 March 2009; and Kenema Family Support Unit staff, 20 March 2009.

<sup>150</sup> Barnes et al, "Addressing Gender-Based Violence in Sierra Leone," 16.

<sup>151</sup> Author interview with Officer in Charge, Lumley Family Support Unit, 5 March 2009.

with the prospect of loss of their partner's income, which has substantial follow-on effects, such as paying children's school fees.<sup>152</sup> The informal justice system of the chiefs and secret societies is perceived as being less costly than the procedures of the FSUs, and thus provides a more financially accessible service to women in Sierra Leone.

### *Limits of FSU Justice*

The costs involved with FSU procedures are also correlated to the modicum of justice achieved. For instance, those who can afford lawyers receive better representation. Those who cannot afford a lawyer must navigate the often foreign world of formal English law unaided. This is no easy task given the lack of education provided to most Sierra Leonean women, amongst whom illiteracy is greater than an overwhelming 80 per cent.<sup>153</sup> The Office of the Director of Public Prosecutions is meant to provide complainants with a legal representative where the complainant cannot afford one, but this rarely happens in practice.<sup>154</sup> As men are generally the guardians of household finances, it is usually men who can afford representation, and thus increase their chances of escaping conviction.<sup>155</sup> The FSUs do not appear to keep accurate records of convictions, but all those I spoke with suggested the rates were disappointingly low.<sup>156</sup> The Lumley FSU (in the West of Freetown) indicated that in 2007 there had been only two successful convictions in the entire Western Area.<sup>157</sup> Further, a United States Department of State Human Rights Report indicates that, as of October 2008, FSUs had 'reported 136 cases of child cruelty, of which only nine had been charged to court. There were no convictions'.<sup>158</sup> The Report goes on to note that of 1,186 sexual assault cases in 2008, only 437 perpetrators were charged (555 are still under investigation), with 25 cases resulting in convictions.<sup>159</sup>

FSUs also face the challenge of delivering meaningful justice to their complainants. Whilst ensuring a perpetrator is imprisoned is important to some complainants, FSU staff suggested that the lack of financial compensation available to victims under formal, English law deters

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<sup>152</sup> Ibid.

<sup>153</sup> United Nations Development Fund, "Human Development Report: Sierra Leone", 2007/2008, [http://hdrstats.undp.org/countries/country\\_fact\\_sheets/cty\\_fs\\_SLE.html](http://hdrstats.undp.org/countries/country_fact_sheets/cty_fs_SLE.html), accessed 3 September, 2009.

<sup>154</sup> Author interview with Officer in Charge, Lumley Family Support Unit, 5 March 2009.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid; Author interviews with Kadi Fakondo, Assistant Inspector General of Sierra Leone Police, 25 January 2009; Bo Family Support Unit staff, 19 March 2009; and Kenema Family Support Unit staff, 20 March 2009.

<sup>157</sup> Author interview with Officer in Charge, Lumley Family Support Unit, 5 March 2009.

<sup>158</sup> US Department of State, "2008 Human Rights Report: Sierra Leone."

<sup>159</sup> Ibid.

some from utilising the FSUs.<sup>160</sup> It may be the case that, aside from FSU legal procedures being prohibitively expensive, the justice that they have the potential to deliver may not represent the locally valued currency of justice meaningful to women in Sierra Leone. Alternatively, the justice system of the chiefs and secret societies usually results in the guilty party paying the aggrieved party. Thus, while the problems of attaining justice through the FSUs may be due in part to limitations of the legal system, rather than due to FSU procedures *per se*, the costs involved in seeking justice and the kind of justice available, render the FSUs an unviable or less appealing option for many potential complainants.

### *Cultural barriers of FSUs*

*'The law says you [a woman] are like a table in my house. So I can treat you like that.'*<sup>161</sup>

There is a cultural bias against women in Sierra Leone that socialises both men and women into believing that women are inferior to their male counterparts. This is most aptly demonstrated by women's status as minors under customary law in Sierra Leone.<sup>162</sup> They are thus viewed as the equivalent of children, with subsidiary rights to those males (fathers and husbands) with authority over them. Women married under customary law are legally regarded as 'chattel'.<sup>163</sup> As the US Department of State notes in a Human Rights Report on Sierra Leone, '[a] woman was frequently perceived to be the property of her husband, to be inherited on his death with his other property.'<sup>164</sup> This legal culture leads to opinions such as the one demonstrated by the quotation at the beginning of this section, that women are the possessions of men, rather than independent people with equal rights.

More surprising perhaps than the tendency of men to fortify their powerful position by suppressing women, is the fact that many women view their position as acceptable. A UNICEF study in Sierra Leone has revealed that 85 per cent of women between the ages of 15 and 49 view violence as an acceptable means of resolving inter-marital disputes.<sup>165</sup> The internalisation of inferiority is not only debilitating in itself, it also results in women tolerating the injustices of the informal policing system, and not pursuing the services available to them through the FSUs. As Karen Barnes, et al reveal:

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<sup>160</sup> Author interview with Kenema Family Support Unit staff, 20 March 2009.

<sup>161</sup> Male Justice of the Peace interviewee quoted in Schroven, *Women After War*, 22.

<sup>162</sup> US Department of State, "2008 Human Rights Report: Sierra Leone."

<sup>163</sup> Schroven, *Women After War*, 22.

<sup>164</sup> US Department of State, "2008 Human Rights Report: Sierra Leone."

<sup>165</sup> Cited in Holt-Rusmore, "The Social Reintegration of Women," 19.

Many women indicate that physical violence perpetrated against them by their male partners is permissible, as they have been socialised to see this behaviour as acceptable and expected. Pursuing recourse against the perpetrators is rarely an option due to stigma, social pressure, expense, lack of awareness and generally prohibitive legal structures.<sup>166</sup>

Women in Sierra Leone do not appear to be entirely convinced that they should be able to press charges against their partners or men within their families or communities.<sup>167</sup> This view appears to permeate even the high echelons of the Sierra Leone government. In a story recounted to me in interview, the Sierra Leonean Minister for Gender Affairs admonished a group of Western women for their concerns regarding domestic violence.<sup>168</sup> The female Minister insisted that a man in Sierra Leone is entitled to beat his wife because that is what their culture says. This seemingly ‘traditional’ statement from a representative of the ‘modern’ state with a progressive portfolio drew the response, ‘you can’t say that! For Christ’s sake you’re the Minister for Gender Affairs!’<sup>169</sup> Further to this, women are aware that if they did choose to assert their rights against abusive men, and somehow could overcome the financial obstacles involved with FSU procedures, they would face stigmatisation by their family and community. The women may be viewed as ‘spoiled’, if they suffer abuse prior to marriage,<sup>170</sup> or else married women who report their husbands may be viewed as bad mothers, wives and daughters.<sup>171</sup> Not only does such stigmatisation bring disgrace upon one’s family, it can, in extreme cases, lead to expulsion from the chiefdom.<sup>172</sup>

The FSUs also represent an unknown and foreign complaints system that women are not familiar with. The informal complaints mechanisms provided by chiefs and secret societies, however, while far from perfect, represent a system that Sierra Leoneans know and understand. This knowledge and familiarity is particularly important when disclosing highly personal or traumatic incidents. Such disclosures are difficult enough without the added stress of an alien environment and unfamiliar procedures and personnel. The informal system thus has the benefit of being known to the community it serves – in terms of both the individuals who administer these systems and the processes they use. The FSUs also operate

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<sup>166</sup> Barnes et al, “Addressing Gender-Based Violence in Sierra Leone,” 14.

<sup>167</sup> Josephine Smits, “Violence against women and the role of culture in Sierra Leone,” Wanda Foundation, [http://www.wandafoundation.nl/images/Handout\\_Josephine.doc](http://www.wandafoundation.nl/images/Handout_Josephine.doc), accessed 20 August, 2009.

<sup>168</sup> Author interview with Keith Biddle, Inspector General of Sierra Leone Police and Head of Commonwealth Community Safety and Security Project, 13 September 2008.

<sup>169</sup> Ibid.

<sup>170</sup> Ibid.

<sup>171</sup> United Nations Population Fund, “Gender-based violence in Sierra Leone,” 9-10.

<sup>172</sup> Author interview with Bo Family Support Unit staff, 19 March 2009; US Department of State, “2008 Human Rights Report: Sierra Leone.”

predominantly in English, the official language in Sierra Leone, which is not uncommon in Freetown but rarely known outside of the capital, except by the educated elite. Whilst complainant interviews may be conducted in local languages, as the formal court system operates in English the majority of Sierra Leonean women are at a supreme disadvantage. As Bruce Baker and Eric Scheye have noted, in support of informal policing mechanisms:

There are many reasons for the vitality and strength of non-state service delivery, including their: physical, linguistic and cultural accessibility; legitimacy; efficacy; timeliness of decisions; low transactional costs; support for restitution and restorative justice rather than punishment and incarceration; and degree of participation afforded to disputants. For these and other reasons, in the great majority of circumstances, people look first to non-state agencies for crime protection and crime response.<sup>173</sup>

There are thus strong cultural forces working against the FSUs, making their policing service inaccessible to women in rural Sierra Leone. Women are rendered inferior to men through customary law, which breeds a culture of oppression that women themselves often tacitly accept. There is also a fear of stigmatisation of recalcitrant women who break cultural taboos by seeking justice against male counterparts, thus silencing women who might otherwise speak out. Finally, a cultural bias also emerges from the familiarity with informal justice procedures vis-à-vis the comparatively foreign practices of the FSUs, further inhibiting women from relying upon the latter. As the staff from the Kenema Family Support Unit told me, ‘culture dies hard’.<sup>174</sup> These cultural obstacles, combined with the financial barriers and justice dividend set out above, ensure that women continue to depend overwhelmingly upon informal policing mechanisms. The FSUs must address these obstacles if they are to improve the rights of women within policing practices in a meaningful way, as intended by DFID’s SSR programme.

### **Policing by the Chiefs**

Existing alongside the FSUs are alternative policing practices administered by informal security actors, such as chiefs and secret societies, complicating the image of policing for women in Sierra Leone. Whilst under the Local Courts Act of 1963, it is technically only the Local Courts who have customary law jurisdiction, in practice chiefs have traditionally administered these laws to their subjects.<sup>175</sup> It is to their town or village chiefs that families or

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<sup>173</sup> Bruce Baker and Eric Scheye, “Multilayered Justice and Security Delivery in Post-Conflict and Fragile States,” *Conflict, Security and Development* 7, no. 4 (December 2007): 512.

<sup>174</sup> Author interview with Kenema Family Support Unit staff, 20 March 2009.

<sup>175</sup> Allison D. Kent, “Student Note: Custody, Maintenance and Succession: The Internalisation of Women’s and Children’s Rights under Customary Law in Africa,” *Michigan Journal of International Law* 28 (2007): 523-524.

communities, unable to resolve their disputes in-house, will turn to with complaints or for arbitration.<sup>176</sup> If the chief is unable to resolve the dispute, or the disputants are not satisfied with the outcome, they can refer the dispute up the chiefdom hierarchy to the paramount chief, or alternatively pursue the matter through the Local Courts or the state police.<sup>177</sup> Unless the dispute involves a serious criminal matter (and even then, not always), it will generally be referred to a chief first.<sup>178</sup> This means that chiefs are the first port of call for the majority of disputes within rural Sierra Leone. As the Town Chief of Tombodou, Kono District, states:

As local chief I deal with 70-80 per cent of the work [disputes]. I see all cases of less than 30,000 Leones [approximately USD 10]. People come to the Native Authority court because they have no respect for the [state] authorities. If people are not satisfied [with the result] they go to the police.<sup>179</sup>

In resolving disputes, a chief will work through the chiefdom police who act as messengers and personal guards of the chief.<sup>180</sup> They carry messages, summon subjects to the chief or Local Courts, protect the chief and enforce his dictates. They are entirely separate from the state police, do not wear uniforms or carry weapons and are paid only through the chief.<sup>181</sup> Chiefdom police will summon the parties involved and any witnesses to speak with the chief and assist in the investigation. When questioning a woman, a male chief will request a male family member to be present with her.<sup>182</sup> Parties can also bring family or community members to ‘vouch for’ them, that is, to attest to their good character.<sup>183</sup> On the basis of these discussions, the chief will come to a decision about how best to resolve the dispute. This representation of policing by chiefs seems relatively uncontroversial and indeed, does not even necessarily contravene the Local Courts Act. However, chiefs also pronounce judgments and issue fines or impose prison sentences, as well as requesting payment for their dispute resolution services, and these actions render them in contravention of the Act. The most common result from chieftaincy policing is that one party is fined. The reasons given for such resolution speak to the role that chiefs see themselves as fulfilling in terms of maintaining

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<sup>176</sup> Ibid, 524.

<sup>177</sup> Ibid; Bruce Baker, “Post-war Policing by Communities in Sierra Leone, Liberia, and Rwanda,” *Democracy and Security* 3 (2007): 225; Author interview with Paramount Chief Tshombe Kargoi the 2<sup>nd</sup>, Wunde Chiefdom, Bo District, 19 March 2009.

<sup>178</sup> Owen Alterman et al, “The Law People See: The Status of Dispute Resolution in the Provinces of Sierra Leone in 2002,” National Forum for Human Rights, Freetown, Sierra Leone, January 2003, 5.

<sup>179</sup> Quoted in Baker, “Post-war Policing by Communities in Sierra Leone, Liberia, and Rwanda,” 225.

<sup>180</sup> Author interview with Paramount Chief Tshombe Kargoi the 2<sup>nd</sup>, Wunde Chiefdom, Bo District, 19 March 2009.

<sup>181</sup> Ibid.

<sup>182</sup> Author interview with Paramount Chief Vangahun, Nongowa Chiefdom, Kenema District, 20 March 2009.

<sup>183</sup> Ibid.

peace and order within their chiefdoms. Paramount Chief Vangahun explained that if he did not fine a man for his misdemeanours, the victims of those misdemeanours would be compelled to seek revenge themselves.<sup>184</sup> This would lead to increased incidents of crime and disquiet in his chiefdom. Thus, the fining system appeases the aggrieved parties and serves to keep the peace within the chiefdom.<sup>185</sup> Yet fines issued by chiefs were a central grievance of many RUF recruits, and recent research suggests that the frequency and amount of such fines has not decreased post-conflict.<sup>186</sup> This leaves a potential conflict trigger unaddressed.

Furthermore, the manner in which this ‘peace’ is kept within the chiefdom may come at the price of substantive justice, particularly for women and young people. For instance, in an effort to ‘keep the peace’ chiefs often encourage women who are raped (particularly when pregnancy occurs) to marry their attackers.<sup>187</sup> This is in part justified as being for the benefit of the woman, who would otherwise be viewed as ‘spoiled’ within the community and thus have difficulty finding another suitor.<sup>188</sup> It is also permissible, under customary law, for a man to ‘discipline’ a wife for failing to fulfil her domestic duties, providing he keeps in mind that ‘she was not given to you to beat her like a drum.’<sup>189</sup> Behaviour worthy of chastisement includes burning a meal or not having a meal ready on time, going out without a husband’s permission, refusing sex, failing to care for children or the home, questioning a husband, talking back or for what is known as *woman palava*, situations when a man suspects his wife of flirting or having an affair with another man.<sup>190</sup> Such permissibility ‘effectively sanction[s] ... domestic violence.’<sup>191</sup> In some instances, husbands and chiefs collude to make money by pressuring their wives to admit to affairs (real or imagined), which results in the adulterous male being fined, to the benefit of both the husband and chief.<sup>192</sup> Women are forced to provide names of likely young men within the community, regardless of the truth of the affair, in order to escape or end violent treatment against them. This situation reveals the injustices towards both women and young people, the latter of whom suffer financial oppression from

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<sup>184</sup> Ibid.

<sup>185</sup> Ibid.

<sup>186</sup> Johanna Boersch-Supan, “Intergenerational Conflict in Post-Conflict Sierra Leone,” Paper presented at the African Studies Association United Kingdom Conference, Oxford, United Kingdom, 16-19 September 2010.

<sup>187</sup> US Department of State, “2008 Human Rights Report: Sierra Leone.”

<sup>188</sup> Author interview with the Officer in Charge, Lumley Family Support Unit, 5 March 2009.

<sup>189</sup> Quoted in Holt-Rusmore, “The Social Reintegration of Women,” 18-19.

<sup>190</sup> Barnes et al, “Addressing Gender-Based Violence in Sierra Leone,” 16; Smits, “Violence against women and the role of culture in Sierra Leone,” 4.

<sup>191</sup> Barnes et al, “Addressing Gender-Based Violence in Sierra Leone,” 16.

<sup>192</sup> Krijn Peters, “Footpaths to Reintegration: Armed Conflict, Youth and the Rural Crisis in Sierra Leone,” (PhD diss., Wageningen University, 2006) 36.



male elders, which in turn limits their lifestyle options (such as taking a wife of their own, buying land or undertaking training) and have been demonstrated as lying at the heart of grievances that led to conflict. Women are also, at times, made to suffer for problems within their marriage, with reports in Kenema District of chiefs resolving domestic disputes by locking up the women.<sup>193</sup> Joe Alie explains these injustices within husband-wife relations:

The justice system is heavily tilted against women, especially in husband-wife relationships, and against young people. It is not considered in the best interest of the family to wrong a husband even if his guilt is clearly evident. Instead, the elders would attempt to say soothing words to the wife and later privately rebuke the husband for his misdeeds. While this may look like an injustice to the woman, there is an important social element here. The main interest is to hold the marriage together, not to create a situation where the woman will “win the war but lose the peace”.<sup>194</sup>

The value of a solid family unit is key then to maintaining the peace and order that Paramount Chief Vangahun spoke of in interview, mentioned above. The value of order appears to supersede that of justice in both Alie’s and the Paramount Chief’s accounts, and this order is seen to be in the greater interests of Sierra Leoneans. For instance, the wife in Alie’s excerpt may not achieve justice against her husband for his misdemeanours, but she will ultimately be better served by respecting him and not ‘causing palava’ so that their marriage remains intact. The logic at play here clearly prioritises community order (based upon familial peace) over the rights of women on the assumption that marriage, however tainted by abuse or adultery, is in the best interests of all. As the US Department of State in its Human Rights Report on Sierra Leone highlights, women’s ‘rights and status under customary law varied significantly depending upon the ethnic group to which they belonged, but was routinely inferior to that of men.’<sup>195</sup> The idea that the dignity of women may supersede the importance of marriage is not considered. In this way, the policing provided by the chiefs does not effectively cater to the needs or wellbeing of women, but rather subjugates their concerns.

The chieftaincy system is also not entirely supportive of the new policing provided by the Family Support Units. As one Paramount Chief told me in relation to the SLP, ‘they are taking our job.’<sup>196</sup> As chiefs make money from their policing role they are thus unlikely to be eager to give it up, particularly given their reduction in funding since having to share

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<sup>193</sup> United Nations Population Fund, “Gender-based Violence in Sierra Leone,” 10.

<sup>194</sup> Alie, “Reconciliation and Traditional Justice,” 137.

<sup>195</sup> US Department of State, “2008 Human Rights Report: Sierra Leone.”

<sup>196</sup> Author interview with Paramount Chief Tshombe Kargoi the 2<sup>nd</sup>, Wunde Chiefdom, Bo District, 19 March 2009.

collected taxes with Local Councils.<sup>197</sup> Staff at one FSU told me that chiefs have even threatened to evict subjects from their chiefdoms if they complain to the FSUs.<sup>198</sup> Clearly, many chiefs are administering a system that fails to serve the interests of women and are more interested in collecting revenue and ensuring community order.

### **Policing by the Secret Societies**

A second informal policing provider that challenges the FSUs is the secret societies. Throughout Sierra Leone a number of sex-specific secret societies play a principal role in transforming initiates from children into adults. There are also non-sex specific secret societies, such as the *Humoi*, that regulate sexual and marital relationships.<sup>199</sup> These societies wield substantial influence within the community and particularly amongst their initiates, playing a determining role in the lives of many women in Sierra Leone. Secret societies fulfil a central function in chiefdom politics and were at times complicit in the injustices that led to civil war. Policing by these informal providers is thus in critical need of reform. While female secret societies exist by different names in different regions of Sierra Leone, for the sake of simplicity, *Sande* will henceforth be used to refer to female secret societies across Sierra Leone.<sup>200</sup> Furthermore, whilst practices across regions are likely to vary, the following analysis draws upon research from various regions of Sierra Leone and practices that appear to be generalisable.

Girls in Sierra Leone enter into *Sande* initiation between the ages of approximately six and 15.<sup>201</sup> Time spent in the *Sande* bush (the local English translation for the society's sacred grove where initiation takes place)<sup>202</sup> can range from a few days to a few months.<sup>203</sup> Initiation is intended to provide guidance and schooling in a range of women's experiences, including caring for a husband and children, cooking, sex, relations with co-wives and rules concerning pregnancy and childbirth.<sup>204</sup> It also provides the occasion for clitoridectomy, 'whereby

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<sup>197</sup> Castillejo, "Building Accountable Justice in Sierra Leone," 5.

<sup>198</sup> Author interview with Bo Family Support Unit staff, 19 March 2009.

<sup>199</sup> K.L. Little, "The Changing Position of Women in the Sierra Leone Protectorate," *Africa* 18, no. 1 (January 1948): 8; Alie, "Reconciliation and Traditional Justice," 136.

<sup>200</sup> Other female secret societies exist within Sierra Leone under different names, such as the Bundu in the North. Richard Fanthorpe, "Sierra Leone: The Influence of the Secret Societies, with special reference to female genital mutilation," United Nations High Commission for Refugees, August 2007, <http://www.unhcr.org/refworld/pdfid/46cee3152.pdf>, accessed 27 July, 2010.

<sup>201</sup> Little, "The Changing Position of Women in the Sierra Leone Protectorate," 2.

<sup>202</sup> Bledsoe, "The Political Use of Sande Ideology and Symbolism," 458.

<sup>203</sup> Little, "The Changing Position of Women in the Sierra Leone Protectorate," 4.

<sup>204</sup> Ibid; Bledsoe, "The Political Use of Sande Ideology and Symbolism," 457-458.

women are invested with fertility, the basis of their own long-term welfare.<sup>205</sup> Upon completion of initiation, the girls have been transformed into adult women, capable of marriage and child birth. Initiates are said to form a bond that links them for life in sisterly solidarity.<sup>206</sup> In provincial Sierra Leone, it is estimated that 94% of eligible females are members of a secret society<sup>207</sup> and ‘most suitors insist that their future wives be initiated into the *Sande*, and they themselves usually contribute to the fees.’<sup>208</sup>

These societies wield considerable control over women in Sierra Leone. As Anita Schroven explains:

Throughout a woman’s life, *Sande* rules and leading members exert a large amount of control due to “secret knowledge” of fertility and child birth and the power to implement social regulations, fines or other punishments. This is part of a larger network controlling especially young women due to their productive and reproductive capacities, first exploited by their family of origin, later by their husband’s family, and starting from the beginning of their initiation also by leaders of the local *Sande* society. This control network, intertwined with values and beliefs, is able to keep women submissive to any figure of authority.<sup>209</sup>

Through their venerated knowledge of secret society rules and conduct, *Sande* elders are able to police women’s behaviour. This control is demonstrated through rituals surrounding childbirth, which happens largely under female secret society supervision. Fertility and easy childbirth are taken as symbols of a woman’s good behaviour and long or complicated births are often blamed on bad behaviour of the labouring woman.<sup>210</sup> Secret society midwives frequently beat labouring women in order to hasten delivery, particularly if adulterous or other unsanctioned behaviour is suspected.<sup>211</sup> Caroline Bledsoe also highlights that the midwives ‘use such times of extreme dependence upon them to extract money from women, threatening to expose adulterous affairs to their husbands unless compensated.’<sup>212</sup> In this situation, women are blackmailed through the birthing process into a form of ‘justice’ highly unfavourable to them. Furthermore, the fear of suffering such treatment has the simultaneous effect of policing women’s behaviour. The horrific irony is that secret society practices, such

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<sup>205</sup> Bledsoe, “The Political Use of *Sande* Ideology and Symbolism,” 457-458.

<sup>206</sup> UNHCR, “Sierra Leone: Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC),” 1 June, 2001, <http://www.unhcr.org/refworld/docid/46d5787cc.html>, accessed 17 August, 2009.

<sup>207</sup> BBC News, “Sierra Leone Anger at FGM Asylum in UK,” 19 October, 2006, <http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/Africa/6065682.stm>, accessed 17 August, 2009.

<sup>208</sup> Bledsoe, “The Political Use of *Sande* Ideology and Symbolism,” 457-458.

<sup>209</sup> Schroven, *Women After War*, 24.

<sup>210</sup> Ken Carlson, “Sierra Leone Calling: CSU Professor, ex-pupil help with Childbirth,” *The Modesto Bee*, 30 March, 2009, <http://www.modbee.com/locastory/647024.html>, accessed 26 August, 2009.

<sup>211</sup> Bledsoe, “The Political Use of *Sande* Ideology and Symbolism,” 460.

<sup>212</sup> Ibid.

as beating labouring women or other traditional practices such as jumping on a woman's stomach or rolling a log down her body can complicate and thus lengthen childbirth.<sup>213</sup> So too can the practice of clitoridectomy, as 'after a girl has been cut, scar tissue can form and skin that has lost its natural elasticity can tear during labour, leading to excessive bleeding.'<sup>214</sup> The secret societies thus create the difficult labour conditions which they then, in turn, punish on the basis of assumed contraventions of *Sande* laws. Such punishments and threats, regardless of the veracity of the crimes they are punishing, serve to reinforce the power of *Sande* codes of conduct.

The *Sande* also wield substantial powers in enforcing *Sande* codes of conduct and prescribed behaviours. Contraventions of such codes are punishable by fines and offenders also risk spiritual punishments that *Sande* elders are capable of causing due to their secret knowledge of traditional medicine.<sup>215</sup> Such power is demonstrated through Caroline Bledsoe's example of *Sande* elders pursuing a case of abuse of one of their members, not for the woman's benefit, but for their own. The example suggests that the secret societies operate not so much in support of 'sisterly solidarity' or justice for their members, but of traditional elders. Bledsoe explains:

I witnessed a major public event in Sierra Leone in which the leaders of the Sande sued a Mende man in court for violating a Sande law by "abusing" a young woman – he made insulting allusions to her sexual organs – in the heat of a bitter quarrel. Everyone agreed that the man would lose, and many people worried about what the Sande might do to him or to anyone who dared to support him. Even the male secular chiefs who adjudicated the case seemed submissive to Sande wishes, and in the end they fined him the equivalent of about US \$180. The notion that Sande members maintain a consistent female solidarity against men, even in Sande affairs, is difficult to support. In the court case the male chiefs were in league with the leaders of the local Sande. Although the head of the Sande publicly expressed moral outrage that she said was shared by all women when the man broke this Sande law, she gloated privately to me about the large fine that the Sande leadership and the male chiefs would share when the man was sued. The "abused" woman actually got very little money from the fine.<sup>216</sup>

The justice achieved by the aggrieved woman appears secondary to the financial potential the case provided to *Sande* elders. This suggests that leaders of the secret societies value the economic incentive of their privileged position more than their role of protecting the rights of their initiates. This is further supported by Bledsoe's account that 'leaders exact heavy tolls of

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<sup>213</sup> Carlson, "Sierra Leone Calling."

<sup>214</sup> Emily Bowers, "FGM Practitioners sway elections in Sierra Leone," *Women's E-News*, 9 July, 2007, <http://www.womensenews.org/article.cfm/dyn/aid/3305>, accessed 17 August, 2009.

<sup>215</sup> Alie, "Reconciliation and Traditional Justice."

<sup>216</sup> Bledsoe, "The Political Use of Sande Ideology and Symbolism," 459.

labour from those whom they initiate. Initiates commonly work on leaders' farms, increasing the leaders' wealth.'<sup>217</sup>

The societies also maintain a powerful political influence, as Zainab Bangura (the sole female presidential candidate in 2002) attests:

A woman from Freetown and the Western Area [where *Sande* initiation is not common] would get no chance to be a successful politician if she were not part of a secret society. Those of us who joined the society are expected to support it – we cannot stand out and criticise it, otherwise you will be sidelined by the family.<sup>218</sup>

The political power of the *Sande* was also reinforced during the 2007 Presidential elections. In an attempt to sway undecided voters, first lady, Patricia Kabbah, sponsored initiation costs of 1,500 young girls, suggesting that secret society participation is a vote-winner in Sierra Leone.<sup>219</sup> Other politicians also organised smaller-scale initiation sponsorship to boost their support in almost every district of the country.<sup>220</sup> Even the Minister of Social Welfare, Gender and Women's Affairs from 1998-2007 threatened to 'sew up the mouths' of those who preached against secret society clitoridectomy.<sup>221</sup> If these forces are among the strongest in the country in terms of policing women's behaviour, the FSUs face an uphill struggle in terms of promoting women's rights and need to engage at these informal sites of resistance.

The above illustration reveals the role that secret societies play in policing the behaviour of women in Sierra Leone and how society elders often manipulate their leadership positions to encourage fealty to society rules. Ultimately, *Sande* is influential not so much because of the actual rules it promotes, but because of its teachings of obedience to those rules. As Beldsoe suggests:

Although Sande leaders may teach their initiates a few techniques for their future lives, the most important lesson they learn is that the leaders ultimately control the esoteric medicines and ritual techniques that can benefit or harm them. Such outcomes are contingent on proper obedience and respect from the initiates, and on appropriate payments.<sup>222</sup>

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<sup>217</sup> Ibid.

<sup>218</sup> Quoted in Baker, "The Africa post-conflict policing agenda in Sierra Leone," 31-32.

<sup>219</sup> IRIN News, "Female Genital Mutilation a vote-winner in Sierra Leone," 17 March, 2007, [http://www.afrol.com/printable\\_article/15927](http://www.afrol.com/printable_article/15927), accessed 17 August, 2009.

<sup>220</sup> Ibid.

<sup>221</sup> Ibid.

<sup>222</sup> Bledsoe, "The Political Use of Sande Ideology and Symbolism," 460-461.

Thus, the justice that women receive through *Sande* and the behaviours that they police do not serve the interests of women in terms of both their minimal rights and wellbeing. Rather, they serve to reinforce the power of *Sande* elders who benefit financially from enforcing particular behaviours that often contravene women's rights. The operation of such forms of policing without engagement in reform programmes drastically limits the ability of DFID's SSR programme to improve the quality of policing provided to women in Sierra Leone.

### **Interactions between the policing systems**

Despite the practices of chiefs and secret societies having adverse consequences for women, their position as the primary providers of policing regarding women's behaviour and crimes involving them, render them an essential component of the policing puzzle in Sierra Leone. Efforts to address the causes of conflict (set out in the previous chapter as grievances over justice and equitable governance at both the state and informal level) and to improve the policing services for women must take these informal mechanisms into account. Given the geographic, financial and cultural obstacles preventing the FSUs from accessing rural women, efforts need to be focused on engaging with chiefs and secret societies in order to ensure that the services most available to women do not cause them greater harm. This means confronting undesirable practices within informal policing mechanisms that are often couched in terms of culture and tradition (and are often genuinely understood in this way).

To date, the interaction between the FSUs and chiefs and secret societies has been minimal. There was initially funding for sensitisation programmes, which some FSUs claim were successful in improving relations, with chiefs even referring complaints to the FSUs at times.<sup>223</sup> These sensitisation programmes have not taken place since the first few years of FSU establishment (presumably since about 2004).<sup>224</sup> There has been at least one instance, in 2009, of FSU staff 'rescuing' girls from the *Sande* bush, to prevent them undergoing clitoridectomy as part of their secret society initiation.<sup>225</sup> This has fostered a confrontational relationship between the FSUs and the secret societies and chiefs who support them. It has also positioned the debate about policing and women's rights along a false binary, between the 'modern' policing system of the FSU and the 'traditional' policing provided by the chiefs and secret societies. It is this false (but historically perceptible) binary that policing reform

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<sup>223</sup> Author interview with Officer in Charge, Lumley Family Support Unit, 5 March 2009.

<sup>224</sup> Author interview with Bo Family Support Unit staff, 19 March 2009.

<sup>225</sup> Mohamed Vandí, "Sierra Leone: FSU Rescues Two Girls from FGM," *Concord Times*, 29 March, 2009, <http://allafrica.com/stories/200903260814.html>, accessed 4 May, 2009.

needs to overcome in order to provide accessible and democratic policing for all *and* to comprehensively address the causes of the civil war that go beyond just state failure. Understanding policing options in a simplistic, ‘modern-versus-traditional’ manner is not a fruitful way of winning over the majority of rural women, who are socialised in traditional customs and often feel uncomfortable with the unknown and foreign environment and procedures of the FSUs. Arguments about the modern and the traditional are invoked as legitimating claims by both sides to justify their practices, yet both contain aspects that cater more and less effectively to the needs of women. Given the importance of tradition in the lives of many, particularly rural, Sierra Leoneans, the FSUs should be careful not to align themselves against tradition, as this risks pushing women into further dependence upon chiefs and secret societies as policing providers.

### **Why Engagement is Necessary**

This chapter has demonstrated that whilst the chieftaincy system and secret societies are the predominant providers of policing in Sierra Leone, they do not always work to the benefit of women’s interests. The argument is likely to be made then that efforts should focus on strengthening the state police service in order to overtake the informal as the primary provider. This suggests that as the state becomes more dominant, the informal mechanisms, with their attendant injustices, will eventually become redundant. Yet it is unrealistic to assume that long-standing informal mechanisms will simply wither away in the face of a fortified state. These mechanisms are substantially more durable and intrinsic to the Sierra Leonean state than is often acknowledged. As Eric Scheye and Gordon Peake note regarding international police reform:

In many societies ... non-institutional and non-formal regulatory mechanisms have strong roots, long histories and proven effectiveness in mitigating the invasiveness of the formal security sector ... Initiatives to alter the police, military and/or court system may be unable to erase or substitute for that reality. Thus there may be much more local adherence and fealty to alternative security providers and little enthusiasm to alter current power relations within civil society; resistances that could undermine reform efforts regardless of the will of national authorities and their “ownership” of the process.<sup>226</sup>

Looking more specifically to the root of this durability, Olufemi Vaughan writes of the need to enquire into the significance of traditional authorities in Africa given the ongoing crisis of the state there and the resilience of indigenous structures.<sup>227</sup> This suggests that the coexistence

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<sup>226</sup> Quoted in Baker, “The African post-conflict policing agenda in Sierra Leone,” 38.

<sup>227</sup> Olufemi Vaughan, “Introduction”, in *Tradition and Politics: Indigenous Political Structures in Africa*, eds.

of formal and informal institutions in countries such as Sierra Leone sprouts from the evolutionary path of the state itself. Taking on Vaughan's challenge, Pierre Englebert notes that state structures in Africa have been deeply influenced by the colonial encounter and developed their political culture accordingly.<sup>228</sup> Britain's colonial policy of indirect rule allowed for the continuance (and in some cases, strengthening) of indigenous authorities in a way that direct rule did not.<sup>229</sup> The state in Sierra Leone sprung originally from an alliance (however shaky) between traditional authorities and the central government and its history thus knows only this political configuration. Furthermore, this bifurcated authority structure also mimics that of the UK, with a monarchical hereditary power on the one hand, balanced by a representative power on the other.<sup>230</sup> This similarity was aptly pointed out in an interview in response to my suggestion that traditional authorities might undermine efforts towards 'modern' democracy.<sup>231</sup> The role of traditional authorities is therefore strongly ingrained by culture and historical precedent, as well as being supported by similar structures in the colonial power who contributed to Sierra Leone's political culture.

The argument that a strengthened state will lead to redundancy of the informal also supposes a neat dichotomy between the state as a 'modern' institution and the informal as 'traditional', with little blurring between the two. This clear cut distinction does not exist in practice. For instance, in relation to policing 'evidence abounds to show that the police are still somewhat hesitant about intervening in domestic assault matters unless the assault is perceived as serious as maiming, wounding or disabling.'<sup>232</sup> Further, despite gender training and employment of women, Refugees International has noted that 'female police officers are sometimes expected to do little more than cook lunch for the male police officers.'<sup>233</sup> The Sierra Leone Police are not outside of the culture or tradition that pervades the rest of Sierra Leone and patriarchal attitudes are prevalent here as elsewhere. The institution may resemble a 'modern' one, but it is staffed by individuals who are equally woven into cultural fabrics. With 94 per cent of women between the ages of 15 and 49 in provinces having undergone

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Olufemi Vaughan (Trenton, NJ: African World Press Inc, 2005), 1.

<sup>228</sup> Pierre Englebert, "Back to the Future? Resurgent Indigenous Structures and the Reconfiguration of Power in Africa," in *Tradition and Politics: Indigenous Political Structures in Africa*, 43-44.

<sup>229</sup> Ibid.

<sup>230</sup> Ibid.

<sup>231</sup> Author interview with Emmanuel Gaima, Coordinator, Decentralisation Secretariat, 6 March 2009.

<sup>232</sup> United Nations Population Fund, "Gender-based Violence in Sierra Leone," 10.

<sup>233</sup> Sarah Martin and Cliff Bernath, "Promotion of Human Rights and Protection for Women Still Required," Refugees International, 18 March, 2004, <http://www.peacewomen.org/un/pkwatch/News/04/RI.html>, accessed 2 September, 2009.



clitoridectomy,<sup>234</sup> for instance, it is highly likely that female police officers and the daughters of police officers have participated in secret society initiation. The SLP are not apart from society in this regard. In practice, the ‘traditional’ and the ‘modern’ (if we momentarily accept these categories) are clearly substantially more blurred.

Furthermore, the construction of ‘tradition’ and ‘modernity’ as oppositional categories misunderstands the malleability of tradition. The informal, traditional, cultural or customary is often prescribed a static identity that is perceived as enforcing the status quo over time, rather than adapting to change. Much has been written to invalidate this position.<sup>235</sup> Regarding chieftaincy (but equally applicable to all traditional authorities), Abdul Raufu Mustapha and Emily Larbi Jones note:

Chieftaincy is not a fixed traditional or religious institution, whose core content remains consistent. This is often the erroneous view conveyed when chiefs are described, or describe themselves, as “custodians” of culture and tradition. We argue that the very essence of their institution changes.<sup>236</sup>

This process of continuity through change is obvious in all societies. Eric Hobsbawm adeptly utilises the example of the Catholic Church and its successful adaptation when ‘faced with new political and ideological challenges and major changes in the composition of the faithful.’<sup>237</sup> While the practices of the Catholic Church might have adapted over many years, the general tradition and purpose of the Church has remained constant. In Sierra Leone, informal authority structures have survived the arrival and departure of colonialism, independence, military coups, dictatorship, civil war and now donor infusions. These practices are clearly resilient, but at the same time, they are not as immutable as they are often made to appear. Whilst the vast literature on the malleability of tradition is outside the scope of this case study, it is enough here merely to note that although the traditions that advocates of a strong state approach view as intransigent are resilient, they are also capable of change.

In order to sustainably transform policing, as a part of security provision in Sierra Leone, DFID’s SSR programme needs to engage with informal actors beyond the state, such as chiefs and secret societies. A lack of engagement with the informal, demonstrated through the FSU

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<sup>234</sup> BBC News, “Sierra Leone Anger at FGM Asylum in UK.”

<sup>235</sup> Most notably see the edited collection: Hobsbawm and Ranger, *The Invention of Tradition*. Also see Vaughan, *Tradition and Politics*.

<sup>236</sup> Abdul Raufu Mustapha and Emily Larbi Jones, “Change, Chieftaincy and Conflict in Three West African Communities,” in *Tradition and Politics*, 253.

<sup>237</sup> Eric Hobsbawm, “Introduction: Inventing Traditions,” in *The Invention of Tradition*, 5.

case study, leaves harmful policing practices unreformed. Despite the frequent failure of informal policing actors to provide substantive justice to women, they remain the predominant policing providers to the majority of Sierra Leoneans. This is due in part to accessibility issues faced by the FSUs, but also to a fealty amongst Sierra Leoneans who value the role of tradition and culture that pervade informal institutions. It is unrealistic to assume that these informal providers will simply disappear with the onslaught of ‘modern’ state policing. Such an argument underestimates how embedded traditional authorities are within Sierra Leonean society, ignores the potential positive attributes that informal mechanisms have to offer, and creates an unhelpful ‘modern’ versus ‘traditional’ dichotomy between the SLP and chiefs and secret societies that SSR efforts should seek to transcend. Informal practices have proved themselves to be durable and adaptive in the face of change. It is this adaptability that needs to be tapped in order to bring informal policing practices into line with human rights discourses on women’s rights. Without doing so, the FSUs will continue to limit their vastly improved policing service to urban, wealthy or educated women. This means that those women at most risk will continue to rely upon the less-than-perfect policing provided by the chieftaincy system and secret societies and that the two-tier system of policing in Sierra Leone will continue to divide the country. FSUs have the opportunity to set the terms of engagement between state and informal policing, recognising traditional practices as evolving forces with the potential for change. Such recognition would also move towards addressing failures within the informal, as well as state, system that led to breakdown and civil war.

Progress towards improving the rights of women within traditional practices has already begun. The Sierra Leone Parliament passed the Gender Acts in 2007, representing a commitment towards international standards pertaining to women’s rights. The Acts cover issues of domestic violence, intestate succession (inheritance law) and registration of customary marriages and seek to provide women with rights that were either denied or ambiguous under customary, Islamic and previous formal laws.<sup>238</sup> The government of Ernest

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<sup>238</sup> Lotta Teale, “The Registration of Customary Marriage and Divorce Bill: A Discussion,” Sierra Leone Court Monitoring Program, 21 February, 2007, [http://www.carl-sl.org/home/index.php?option=com\\_content&view=article&id=197:the-registration-of-customary-marriage-and-divorce-bill-a-discussion&catid=10:commentaries&Itemid=21](http://www.carl-sl.org/home/index.php?option=com_content&view=article&id=197:the-registration-of-customary-marriage-and-divorce-bill-a-discussion&catid=10:commentaries&Itemid=21), accessed 5 October, 2009; Millicent Mannah, “The Intestate Succession Bill: A Discussion,” Sierra Leone Court Monitoring Program, 21 February, 2007, [http://www.carl-sl.org/home/index.php?option=com\\_content&view=article&id=134:by-millicent-mannah&catid=4:articles&Itemid=23](http://www.carl-sl.org/home/index.php?option=com_content&view=article&id=134:by-millicent-mannah&catid=4:articles&Itemid=23), accessed 5 October, 2009; Lotta Teale, “The Domestic Violence Bill: A Discussion,” Sierra Leone Court Monitoring Program, 21 February, 2007, [http://www.carl-sl.org/home/index.php?option=com\\_content&view=article&id=52:by-lotta-teale&catid=4:articles&Itemid=23](http://www.carl-sl.org/home/index.php?option=com_content&view=article&id=52:by-lotta-teale&catid=4:articles&Itemid=23),

Bai Koroma, elected in 2007, has also pledged to outlaw clitoridectomy in Sierra Leone, but is yet to do so.<sup>239</sup> In 2009, however, the initiative was taken in Kambia District, in the Northern Province, to ban clitoridectomy before the age of 18.<sup>240</sup> Chiefs, *soweis*<sup>241</sup> and community members signed an agreement that protects the cultural value of the practice, whilst making it optional and giving adult women a choice. This is certainly a positive step. Similar changes are being initiated throughout West Africa. In Senegal in 2005, religious and traditional leaders from across West Africa agreed to end the practice of clitoridectomy, stating that cultural values are not dependent upon cultural practices.<sup>242</sup> The practices can thus be changed and updated, without offending the values that lie beneath. As a Burkinabe chief explained at the meeting of traditional leaders in Senegal, ‘it is far more important to me to give my daughter a Senoufo [an ethnolinguistic group in West Africa] name than to have her be cut.’<sup>243</sup> In Sierra Leone, change may also be assisted by the new breed of chiefs that have been elected since the end of the war. Approximately 44 per cent of chiefs had to be replaced after the conflict due to casualties and people movements.<sup>244</sup> As a result, many chiefs are relatively young and literate, with some well-travelled and foreign educated.<sup>245</sup> These new chiefs may offer a unique opportunity for updating customary policing practices that older stalwarts may feel compelled to defend. As Alice Hills acknowledges:

There is no single ideal model of policing applicable to all states. Cultural, religious, and environmental differences must be acknowledged if a system is to be relatively stable and efficient. It will certainly be shaped by internal dynamics of hierarchies and cliques, as well as by corporate and personal ambitions, and by traditions, to say nothing of political judgments.<sup>246</sup>

Securing the most accessible, reliable and just policing service in Sierra Leone will require engagement between FSUs and the informal policing mechanisms of the chieftaincy system and secret societies. Engagement is certainly not straightforward, and there will be disagreements over the balance between authority and rights. This is so everywhere. Sierra

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accessed 5 October, 2009.

<sup>239</sup> AFP, “Sierra Leone Government to Ban Female Circumcision: Minister,” 5 February, 2008, <http://www.forwarduk.org.uk/news/news/172>, accessed 17 August, 2009.

<sup>240</sup> IRIN News, “Sierra Leone: Chiefs Ban Genital Cutting for Girls Under 18,” 16 April, 2009, <http://www.allafrica.com/stories/printable/200904160734.html>, accessed 17 August, 2009.

<sup>241</sup> The women who conduct clitoridectomy in Sierra Leone.

<sup>242</sup> IRIN News, “West Africa: Rejecting FGM Not an Affront to Tradition,” 7 December, 2005, <http://www.irinnews.org/Report.aspx?ReportId=57496>, accessed 17 August, 2009.

<sup>243</sup> Ibid.

<sup>244</sup> Paul Jackson, “Reshuffling an Old Deck of Cards? The Politics of Local Government Reform in Sierra Leone,” *African Affairs* 106, no. 422 (November 2006): 96.

<sup>245</sup> Ibid, 106.

<sup>246</sup> Hills, “Towards a Critique of Policing and National Development in Africa,” 291.

Leone has the potential to operate a dual policing system that, if traditional practices are adapted so as not to cause harm to women, will be cheaper, more accessible and more reliable than the currently divided and competitive system offers. I do not pretend that this way forward is simple or quick. Any prescriptions that were would undoubtedly fail, given the difficulty of improving policing for a vulnerable group in a post-war society through multiple providers. Yet it is the difficult option of seeking to combine the benefits of both the formal and informal policing mechanisms that offers the greatest chance of providing the most women with improved policing.

## **Conclusion**

This chapter has examined one of DFID's landmark projects within its police reform programme in Sierra Leone, highlighting a lack of engagement with informal policing providers and how this has limited the overall effectiveness of the FSUs in providing an improved policing service to women. In doing so the chapter has situated the FSU project within DFID-led police reform efforts more broadly. It has examined the project's evolution and rationale, as well as highlighting its constraints in terms of economic, geographic and cultural accessibility. Confronting the FSUs and addressing a number of their limitations, traditional policing mechanisms such as the chieftaincy system and secret societies remain the primary providers in provincial Sierra Leone, yet they have not been engaged by the FSUs. These informal mechanisms are limited by the harmful and inequitable policing services they often provide to women. However, an examination of the durability of these informal practices highlighted their longevity alongside strong state practices and thus the need for the FSUs to engage with them in order to improve policing available to women. The foreseeable permanence of these informal policing providers does not necessarily mean that harmful or inequitable policing must also be permanent. The very bases of 'tradition' are malleable practices that adapt over time, suggesting that informal policing is not necessarily bound by the harmful practices that detract from the services they provide.

In the context of the thesis, this chapter highlights DFID's lack of engagement with informal security actors. The state-focus of DFID's police reform programme suggests consistency with the policy-level understanding of the conflict in Sierra Leone as being the result of state failure. The failures of informal actors, such as chiefs and secret societies, and the manner in which these failures contributed to the civil war remain unacknowledged. Furthermore, the lack of engagement with informal security actors as a result of DFID's understanding of the

cause of war can be seen, through the FSU case study, to limit the effectiveness of DFID's policing reform. Given the significant accessibility issues that the FSUs face, informal actors remain the predominant policing providers and a lack of donor engagement allows them to continue to operate with little discretion for human rights or substantive justice. The prevalence of such unreformed policing does not bode well for the prospects of sustainable peace.

# 4

## Courting Local Justice: DFID's Justice Sector Development Programme

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*'Injustice digs into society for a long time. It is invisible until it rears its ugly head and [then] it is too late.'*<sup>1</sup>

Injustice has consistently been pointed to as a cause of the civil war in Sierra Leone. Efforts to rebuild the justice system in order that more equitable and rights-respecting justice is provided is therefore crucial to ensuring a sustainable post-conflict peace. Critically, any efforts to do so in a comprehensive manner would need to address the injustices perpetrated at both the state and informal levels of justice provision. This chapter examines DFID's Justice Sector Development Programme (JSDP), in order to determine whether a comprehensive approach to addressing the causes of conflict, recognising the failure at both the state and informal levels, can be discerned. It first examines the role of justice reform within security sector reform and the current popularity of law reform programmes. Following on from this, the chapter spotlights the overwhelming focus of justice programmes in Sierra Leone on high level, international legal procedures (as opposed to local law reforms that are more relevant to the majority of the population). Third, the history of the judicial system in Sierra Leone will be set out, focusing upon provincial Sierra Leone,<sup>2</sup> highlighting the central role played by informal justice systems and how these have functioned. Finally, JSDP's primary justice programmes will be detailed, before offering an analysis of the effectiveness and challenges of engagement with informal justice mechanisms.<sup>3</sup>

This chapter ultimately seeks to provide a contrast to the former policing case study. The JSDP represents DFID's most extensive efforts to engage with informal actors and thus potentially offers the greatest acknowledgement of the need to address failures beyond the

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<sup>1</sup> Author interview with Simeon Koroma, Founder and Director, TIMAP for Justice, 12 March 2009. TIMAP is a Sierra Leonean NGO providing free legal services throughout the country.

<sup>2</sup> Judicial evolution was markedly different in Freetown and the provinces. As the civil war started in the provinces, considering the evolution of the legal system in Freetown falls outside the scope of this study. That being said, there are clearly overlaps, and relevant information will be provided where necessary.

<sup>3</sup> The term 'justice' refers to both the administration of justice (here referred to as procedural justice) and a normative goal (here referred to as substantive justice). When referring to informal justice actors, I am simply indicating those actors that carry out judicial functions (arbitrating, sentencing and so forth). I am not making any inference as to the quality of substantive justice that they provide. Equally, in speaking of justice reform, I am utilising the commonly accepted term for international efforts to improve substantive justice outcomes through reform of procedural justice. Where a distinction between the different connotations of justice are needed, the terms 'procedural' and 'substantive' justice will be used to clarify.

state, residing in informal institutions, which have been pinpointed as a cause of the civil war. Yet the terms of the JSDP's engagement will be crucial in determining whether the Programme is capable of producing the reform necessary to avoid the abuses of the past and thus ensure long-term peace. It is argued that while the JSDP has gone further than other DFID programmes in engaging the informal, the manner in which they have done so remains problematic and aims overwhelmingly to formalise the informal. This suggests that even though DFID staff seem aware of the importance of informal actors in the Sierra Leonean justice system, they remain inhibited in their engagements with them.

### **The Rule of Law and Justice Reform – ‘Like apple pie and ice-cream’<sup>4</sup>**

Justice or rule of law reform has emerged as a key component of SSR and international development assistance more broadly. As Vice-President of the Carnegie Endowment for International Peace, Thomas Carothers, noted just over a decade ago, ‘[t]he concept [of the rule of law] is suddenly everywhere’.<sup>5</sup> Just as development practitioners focused on economic and governance reforms respectively in the 1980s and 1990s, legal reform is now a key component of security sector reforms, the latest panacea for the global south.<sup>6</sup> Carothers goes on to note, ‘[a]ssistance in this field has mushroomed in recent years, becoming a major category of international aid.’<sup>7</sup> While Carothers is sceptical of this latest trend, rightly highlighting the often presumed non-ideological and technocratic nature of law,<sup>8</sup> there are also more optimistic readings of its ascendance. The rule of law is perceived as being central to sustainable development, supporting a just social order that minimises physical conflict by providing peaceful avenues for the resolution of disputes.<sup>9</sup> This conflict-minimising benefit of justice (both procedural and substantive) is described in the UN Secretary General’s Report on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies. It states that peace cannot be sustained unless, ‘the population is confident that redress for grievances can be obtained through legitimate structures for the peaceful settlement of disputes and the fair administration of justice.’<sup>10</sup> Pierre Englebert also suggests that ‘the prevalence of the rule

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<sup>4</sup> Richard Sannerholm, “Legal, Judicial and Administrative Reforms in Post-Conflict Societies: Beyond the Rule of Law Template,” *Journal of Conflict and Security Law* 12, no. 1 (2007): 66.

<sup>5</sup> Thomas Carothers, “The Rule of Law Revival,” *Foreign Affairs* 77, no. 2 (March-April 1998): 95.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid, 103.

<sup>8</sup> Ibid, 99.

<sup>9</sup> Klaus Decker, Caroline Sage and Milena Stefanova, “Law or Justice: Building Equitable Legal Institutions,” World Bank, 2005, [http://siteresources.worldbank.org/INTWDR2006/Resources/477383-1118673432908/Law\\_or\\_Justice\\_Building\\_Equitable\\_Legal\\_Institutions.pdf](http://siteresources.worldbank.org/INTWDR2006/Resources/477383-1118673432908/Law_or_Justice_Building_Equitable_Legal_Institutions.pdf), accessed 26 October, 2009.

<sup>10</sup> Quoted in Sannerholm, “Legal, Justice and Administrative Reforms in Post-conflict Societies,” 68.

of law has a more significant positive impact on growth than the quality of public administration.<sup>11</sup> This is due to investor concerns regarding stability, as while investment is possible under highly illiberal or oppressive political systems, it is less so without an operable rule of law (such a model of stability within illiberal settings has been seen to exist in East Asia, principally in China).<sup>12</sup> The rule of law thus contributes to sustainable peace, which in turn, following the logic of the dominant international donor agencies, provides fertile ground for the investment necessary for economic growth and development.<sup>13</sup> This seeming ‘silver bullet’ status of law reform has led some commentators to remark that the rule of law is like apple pie and ice-cream – a concept that no one can dislike.<sup>14</sup> This supposedly universally likeable quality is supported by the emergence of justice reform initiatives on the project lists of many international donors including DFID, USAid, the UN and World Bank.<sup>15</sup> Recognising the connection between conflict and injustice, these agencies are attempting to ‘re-link’ justice and peace in the aftermath of conflict.<sup>16</sup> This has particular resonance in the case of Sierra Leone where injustice is pointed to as a principal cause of conflict.<sup>17</sup>

The Final Report of Sierra Leone’s Truth and Reconciliation Commission concluded that the judicial system was culpable of contributing to the permissive culture of impunity that facilitated civil war.<sup>18</sup> It went on to recommend that resources be devoted to improving the judiciary in order to ensure conflict is not rekindled.<sup>19</sup> Taking on this challenge, the Government of Sierra Leone (GoSL) has accepted that ‘the long term decline of the justice system preceded and even facilitated the on-set of the conflict’ and that 11-years of civil war further deteriorated the judiciary.<sup>20</sup> On this basis it recognises that ‘addressing these

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<sup>11</sup> Pierre Englebert, “Pre-Colonial Institutions, Post-Colonial States, and Economic Development in Tropical Africa,” *Political Research Quarterly* 53, no. 1 (March 2000): 18.

<sup>12</sup> Stephen Golub, “A House without a Foundation,” in *Promoting the Rule of Law Abroad: In search of knowledge*, ed. Thomas Carothers (Washington, DC: Carnegie Endowment for International Peace, 2006), 110.

<sup>13</sup> Ibid, 109; Author interview with Peter Viner, Coordinator, Justice Sector Development Programme, 27 February 2009.

<sup>14</sup> Golub, “A House without a Foundation,” 66.

<sup>15</sup> Decker et al, “Law or Justice,” 1.

<sup>16</sup> Rama Mani, *Beyond Retribution: Seeking Justice in the Shadows of War* (London: Polity Press, 2002), 5.

<sup>17</sup> Clare Castillejo, “Building Accountable Justice in Sierra Leone,” Working Paper 76, FRIDE, January 2009, 2; Owen Alterman et al, “The Law People See: The Status of Dispute Resolution in the Provinces of Sierra Leone in 2002” (Freetown: National Forum for Human Rights, 2003), 3; Augustine SJ Park, “Consolidating Peace: Rule of Law Institutions and Local Justice Practices in Sierra Leone,” *South African Journal on Human Rights* 24, no. 3 (2008): 539.

<sup>18</sup> Truth and Reconciliation Commission for Sierra Leone, “Witness to Truth: Final Report of the Truth and Reconciliation Commission for Sierra Leone,” 2, vol. 2, 2004, <http://www.sierra-leone.org/Other-Conflict/TRCVolume2.pdf>, accessed 23 July, 2010, 30-31; 90-93.

<sup>19</sup> Ibid, 122.

<sup>20</sup> Government of Sierra Leone, “Project Concept Note: Enhancement of Security and Transitional Justice” (Freetown: Government of Sierra Leone, 2006), 1.



consequences [the deteriorated justice system] are also crucial for the permanent restoration of state authority [sic].<sup>21</sup> This recognition that justice is central to sustainable peace is not limited to the corridors of state political power, but also discernible within local politics in Sierra Leone. As a villager in rural central Sierra Leone expressed to researchers Steven Archibald and Paul Richards, ‘through injustice we have turned our young people to rebels.’<sup>22</sup> This acknowledgement was also evident in many of the interviews I conducted during fieldwork, across a broad spectrum of respondents.<sup>23</sup> There is thus a unique convergence between development policy trends and the realities of the civil war in Sierra Leone that provides an ideal opportunity for justice reform. This convergence has allowed space for what Stephen Golub calls the ‘rule of law orthodoxy’ to establish itself as a central component of post-conflict peacebuilding efforts.<sup>24</sup>

### **Justice Initiatives in Sierra Leone: The Special Court and the TRC**

While substantial donor funds have been directed to justice-related programmes in post-conflict countries, the vast majority of these resources have been mobilised for high level, international law efforts, rather than local-level initiatives.<sup>25</sup> In Sierra Leone, this is most obviously reflected in the United Nation’s Special Court for Sierra Leone, established by agreement between the UN and GoSL to prosecute those deemed most responsible for the atrocities of the civil war. Whilst the Special Court will undoubtedly have an impact on the post-conflict landscape in Sierra Leone, its short-term nature, limited scope and overwhelming ‘foreignness’ renders it less consequential than reforms to Sierra Leone’s legal system – which will remain long after the white four wheel drives and international staff have departed. The incredible costs of the Special Court in relation to the Sierra Leonean judiciary are most stark in highlighting the divergence in assistance. The Special Court, established in 2002, has cost over USD 300 million to prosecute nine individuals from the Revolutionary

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<sup>21</sup> Ibid.

<sup>22</sup> Steven Archibald and Paul Richards, “Converts to Human Rights? Popular Debate about War and Justice in Rural Central Sierra Leone,” *Africa* 72, no. 3 (2002): 346.

<sup>23</sup> Author interviews with Member B, Promoters of Peace and Justice Freetown, 3 March 2009; Members D, Promoters of Peace and Justice Bo, 17 March 2009; Simeon Koroma, Founder and Director, TIMAP for Justice, 12 March 2009; and Justice Fofana, Justice of the High Court of Sierra Leone, 10 March 2009.

<sup>24</sup> Stephen Golub, “Beyond Rule of Law Orthodoxy: The Legal Empowerment Alternative,” Working Paper No. 41, Carnegie Endowment for International Peace, October 2003, <http://www.carnegieendowment.org/files/wp41.pdf>, accessed 27 October, 2009.

<sup>25</sup> Elisabeth Hoffman, “Reconciliation in Sierra Leone: Local Processes Yield Global Lessons,” *The Fletcher Forum of World Affairs* 32, no. 2 (Summer 2008): 130; Leila Chirayath, Caroline Sage and Michael Woolcock, “Customary Law and Policy Reform: Engaging with the Plurality of Justice Systems,” Background paper for the World Development Report 2006: Equity and Development, July 2005, [[http://siteresources.worldbank.org/INTWDR2006/Resources/4773831118673432908/Customary\\_Law\\_and\\_Policy\\_Reform.pdf](http://siteresources.worldbank.org/INTWDR2006/Resources/4773831118673432908/Customary_Law_and_Policy_Reform.pdf)], accessed 4 May 2010, 1.

United Front (RUF), Civil Defence Forces (CDFs) and Armed Forces Revolutionary Council (AFRC).<sup>26</sup> In 2002, the year the Special Court was established, the total payroll of Sierra Leone's judiciary was approximately USD 215,000.<sup>27</sup> In 2007, the entire budget for the Government of Sierra Leone was USD 414 million, of which less than one per cent was spent on the judiciary – less than USD 4 million.<sup>28</sup> As Niobe Thompson suggested at the outset of the Special Court's mandate, '[t]o those working in Sierra Leone's own judiciary, this operation will likely seem like an extraterrestrial visit, so disproportionate will be the conditions of work of its staff in comparison to its own.'<sup>29</sup>

Despite the Court's laudable aims of seeking to extend international law by securing conviction precedents for forced marriage, wartime rape and recruitment of child soldiers, it failed to resonate with the lives of many Sierra Leoneans.<sup>30</sup> Outside the Special Court compound, post-conflict lives have had to adapt to living side-by-side with the overwhelming majority of perpetrators and finding reconciliation through alternative means.<sup>31</sup> In this regard, the Truth and Reconciliation Commission offered a more locally meaningful contribution to substantive justice, documenting peoples' experiences and seeking to heal communities. Yet the TRC did not engage with the enduring legal system in Sierra Leone that will determine whether justice becomes fairer, more accessible and reliable in future, or whether disputes will be settled by more violent means.<sup>32</sup> International donor investments in justice have disproportionately focused on the Special Court and Truth and Reconciliation Commission in post-conflict Sierra Leone.<sup>33</sup> In spite of these investments, Erik Jensen notes that 'in the transitional justice literature one finds no empirical proof of the effectiveness of trials in deterring human rights violations or truth commissions and amnesties in contributing to reconciliation.'<sup>34</sup> These high level, internationally visible achievements clearly contribute to justice for some individuals and in some situations. Yet the more pressing need to engage

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<sup>26</sup> For more on the exorbitant costs of the Special Court see Peter Penfold, "The Special Court for Sierra Leone: A Critical Analysis," in *Rescuing a Fragile State: Sierra Leone 2002-2008*, ed. Lansana Gberie (Waterloo, ON: Wilfred Laurier University Press, 2009); and Hoffman, "Reconciliation in Sierra Leone", 130.

<sup>27</sup> Niobe Thompson, "In Pursuit of Justice: A Report on the Judiciary in Sierra Leone," Commonwealth Human Rights Initiative, 2002, 39.

<sup>28</sup> IRIN News, "Sierra Leone: Judiciary Prepares for Post-Election Disputes," 16 August, 2007, <http://www.irinnews.org/Report.aspx?ReportId=73760>, accessed 2 October, 2009.

<sup>29</sup> Thompson, "In Pursuit of Justice," 39.

<sup>30</sup> Hoffman, "Reconciliation in Sierra Leone," 129-141; Penfold, "The Special Court for Sierra Leone."

<sup>31</sup> Ibid; David Keen, *Conflict and Collusion in Sierra Leone* (Oxford: James Currey, 2005), 300-301.

<sup>32</sup> Hoffman, "Reconciliation in Sierra Leone," 131.

<sup>33</sup> Ibid.

<sup>34</sup> Erik G. Jensen, "Justice and the Rule of Law," in *Building States to Build Peace*, ed. Charles T. Call and Vanessa Wyeth (Boulder, CO: Lynne Rienner, 2008), 127.

with local justice practices, which would address the country's history of grievance and violent conflict and provide a long-term legacy of justice (both procedural and substantive), has often been neglected.<sup>35</sup>

Engagement with the informal is not only advocated here because failures within the informal system were a contributing cause of the civil war, or because they are the predominant justice providers. A further reason to engage with informal justice actors beyond the state lies in their ability to heal the wounds of the war more effectively than the retributive justice provided by the formal state judiciary and Special Court. Increasing academic attention is being paid to alternative community justice initiatives that have been initiated at the local level according to particular experiences of the war and customary practices.<sup>36</sup> These have often proved successful in resolving injustices at a person-to-person, family-to-family or even chiefdom-to-chiefdom level.<sup>37</sup> This micro-level approach aims for restorative, rather than retributive justice, in recognition of the fact that it is not sustainable to retributively punish all offenders of the civil war, given widespread involvement on all sides of the fighting forces and the prevalence of human rights abuses. As Alie notes:

Although retributive justice may have the potential to act as a deterrent, it could at the same time create more societal problems as both the victims and the perpetrators may be living in the same neighbourhood. Restorative justice, on the other hand, aims to repair and create social harmony within the battered communities.<sup>38</sup>

These restorative justice practices have included spiritual ceremonies involving animal sacrifice, bathing in consecrated water to 'cool the heart', and the displaying of remorse on the part of the aggressor.<sup>39</sup> These ceremonies have been conducted by local elders, chiefs, secret societies, spiritual leaders and community based organisations and have resulted in astonishing levels of forgiveness and reconciliation.<sup>40</sup> Informal justice mechanisms can thus be worthy of engagement on the basis of the effective justice outcomes they provide as well

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<sup>35</sup> IRIN News, "Sierra Leone: Judiciary Prepares for Post-Election Disputes."

<sup>36</sup> Joe A.D. Alie, "Reconciliation and Traditional Justice: Tradition-based practices of the Kpaa Mende in Sierra Leone," in *Traditional Justice and Reconciliation after Violent Conflict*, eds. Luc Huyse and Mark Salter (Stockholm: International Institute for Democracy and Electoral Assistance, 2008); Hoffman, "Reconciliation in Sierra Leone."

<sup>37</sup> Hoffman, "Reconciliation in Sierra Leone"; Author interview with Hassan Feika, Coordinator, Bo Peace and Reconciliation Movement, 17 March 2009. BPRM is a community based peacebuilding organisation based in Bo, Sierra Leone that provides conflict resolution services.

<sup>38</sup> Alie, "Reconciliation and traditional justice," 140.

<sup>39</sup> Ibid; Hoffman, "Reconciliation in Sierra Leone."

<sup>40</sup> Hoffman, "Reconciliation in Sierra Leone," 129.

as on the basis of their predominance and their contribution to the causes of war.

Recognising the merit of both formal and informal justice practices, DFID has embarked upon a wide-ranging justice reform programme in Sierra Leone, the Justice Sector Development Programme (JSDP), engaging directly with parts of the indigenous judicial system.<sup>41</sup> Most impressively, this engagement extends beyond the formal judiciary to encompass parts of the customary legal system as well (what DFID terms ‘primary justice’). DFID thus manages to overcome arguments that rule of law and justice programming often focus solely on the formal sector to the exclusion of the informal.<sup>42</sup> The breadth of programming undertaken by the JSDP is entirely necessary in Sierra Leone and reflects the fact that informal justice providers ‘tend to be the predominant method by which the public goods of justice and safety are delivered.’<sup>43</sup> In order to provide background to the longevity of the formal/informal divide in justice provision in Sierra Leone and the projects of the JSDP, a history of the judicial system is instructive. By examining the historical development of systems of justice in Sierra Leone, the prevalence of the informal, its centrality to the lives of the majority of Sierra Leoneans and its need for reform becomes apparent. Given the focus here, the following histories will concentrate on informal justice and customary law, applying to the vast majority of the population.

### **Evolution of the Justice System in Sierra Leone**

Sierra Leone’s legal history has received little scholarly attention, with one source claiming there to be only four published academic texts on the subject.<sup>44</sup> While this may exaggerate the paucity of the literature, it is true that this is an overlooked area of study. Since the increasing donor focus on rule of law programmes post-conflict, however, significant contributions have been made, predominantly through development agency reports.<sup>45</sup> While this new literature

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<sup>41</sup> It should also be noted that the World Bank also has an extensive justice portfolio in Sierra Leone as part of the Justice for the Poor Programme.

<sup>42</sup> This argument is made, for example, by Chandra Lekha Sriram, “(Re)building the rule of law in Sierra Leone: Beyond the formal sector,” Paper presented at the International Studies Association Convention, New York, 15 February, 2009, [http://www.allacademic.com/meta/p313198\\_index.html](http://www.allacademic.com/meta/p313198_index.html), accessed 4 October, 2009.

<sup>43</sup> Eric Scheye, “Unknotting Local Ownership Redux: Bringing Non-state/Local Justice Networks Back In,” in *Local Ownership and Security Sector Reform*, ed. Timothy Donais (Geneva: DCAF, 2008), 64.

<sup>44</sup> Abdul Karim Bangura and Sarath K. Ganji, “Sierra Leone’s Judiciary: Colonial Traditions and Post-Colonial Legality,” *The Patriotic Vanguard*, 28 February, 2009, <http://www.thepatrioticvanguard.com/spip.php?article3781>, accessed 3 October, 2009.

<sup>45</sup> Clare Castillejo, “Building Accountable Justice in Sierra Leone,” Working Paper 76, FRIDE, January 2009; Owen Alterman et al, “The Law People See”; Pamela Dale, “Access to Justice in Sierra Leone: A Review of the Literature,” World Bank Justice for the Poor Programme, May 2008, [http://www.daco-sl.org/encyclopedia/1\\_gov/1\\_4/JSDP/jsdp\\_access\\_justiceSL\\_Litreview.pdf](http://www.daco-sl.org/encyclopedia/1_gov/1_4/JSDP/jsdp_access_justiceSL_Litreview.pdf), Accessed 21 September, 2009;

provides some excellent insights into colonial law onwards, very little exists in the way of pre-colonial accounts of legal structures that are generalisable across the region that constitutes modern day Sierra Leone. Pre-colonial law was particular to specific regions and varied from kingdom to kingdom, presided over by cultural leaders who were considered knowledgeable in local affairs.<sup>46</sup> They were assisted by secret societies in ensuring the maintenance of customary law and behaviour.<sup>47</sup> Yet as Kristin Mann and Richard Roberts highlight, ‘there was no single, unchanging tradition. There were, instead, contested and continuously reconstituted traditions, best understood as clusters of rules, moralities, expectations, and conflicts, which gave rise to changing regulatory practices.’<sup>48</sup> With only glimpses of highly contextualised and changing practices on offer, it is difficult to concisely summarise the plurality of judicial systems that existed across Sierra Leone.

### *Colonial Law*

Colonialism was a formative experience for Sierra Leonean judicial practice and through it emerged a three-tiered system of formal, customary and Islamic law that endures today.<sup>49</sup> The logic of the British colonisers was to create a neat social order that would be predictable and reliable.<sup>50</sup> Such order would facilitate commerce between the provinces and the Freetown colony and ensure peace in the upcountry Protectorate.<sup>51</sup> So as to establish and maintain this order ‘the colonial period gave birth to “customary” law, regarded by Europeans as indigenous law, but in fact invented by Africans and Europeans under colonialism.’<sup>52</sup> Under the policy of indirect rule, formal English law was to apply to all Europeans and any consenting Africans, while customary law applied to matters involving Africans, insofar as it was not repugnant to justice, equity and good conscience, or in contravention of Colonial

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Thompson, “In Pursuit of Justice.”

<sup>46</sup> Minneh Kane, J. Oloka-Onyango and Abdul Tejan-Cole, “Reassessing Customary Law Systems as a Vehicle for Providing Equitable Access to Justice for the Poor,” Paper presented at the New Frontiers of Social Policy Conference, Arusha, 12-15 December 2005, 16.

<sup>47</sup> Kenneth Little, “The Mende Chiefdoms of Sierra Leone,” in *West African Kingdoms in the Nineteenth Century*, eds. Daryll Forde and P.M. Kaberry (Oxford: Oxford University Press, 1967), 255; Christopher Fyfe, *A Short History of Sierra Leone* (London: Longmans, 1962), 3-4; 22-23.

<sup>48</sup> Kristin Mann and Richard Roberts, “Introduction: Law in Colonial Africa,” in *Law in Colonial Africa*, eds. Kristin Mann and Richard Roberts (London: James Currey, 1991), 4.

<sup>49</sup> The recognition of Islamic law refers to the Muslim Marriage Ordinance, which recognises Islamic law in relation to marriage, divorce and intestate succession. However, Islamic law is generally subservient to customary law and is encapsulated within it in predominantly Islamic chiefdoms. See H.M. Joko Smart, “The Place of Islamic Law within the Framework of the Sierra Leone Legal System,” *African Law Studies* 18 (1980): 87-102.

<sup>50</sup> A.P. Kup, *Sierra Leone: A Concise History* (London: David and Charles, 1975), 198.

<sup>51</sup> Alldridge, *A Transformed Colony*, 295.

<sup>52</sup> Mann and Roberts, ‘Introduction’, 8.

statutes.<sup>53</sup> District Commissioners administered justice for Europeans in rural Sierra Leone (where the formal courts of Freetown were absent), whilst Native Courts resolved disputes amongst Africans according to customary practice.<sup>54</sup> Requiring local representatives to administer the customary legal system as part of their indirect rule, Britain relied upon community leaders, who were henceforth termed paramount chiefs, section chiefs or town chiefs (in descending order of seniority).

Yet the coloniser's interest in order meant that customary law was not simply intended to allow Africans to continue their own arbitrations or to provide substantive justice. Rather, it was intended to facilitate order and British administration of Sierra Leone. As Sandra Fullerton Joireman points out, 'law and administration were regarded as inseparable, a view which accounts for the early and vigorous attempts by the British to establish legal systems in their colonies.'<sup>55</sup> This 'inseparability' was obvious in practice, as much as policy. Appeals from Native Courts in Sierra Leone initially went to a colonial administrative officer, not the formal English Courts.<sup>56</sup> Thus, the judicial powers of the customary law system were ultimately capped by administrative power. The administrative potential of customary law intones a similar logic to the current 'rule of law orthodoxy' discussed at the beginning of this chapter. British colonisers viewed the law as the harbinger of order, and thus of peace, which would facilitate commerce, in turn improving the situation of rural Sierra Leoneans, whilst simultaneously creating wealth for the empire.<sup>57</sup> Current rule of law orthodoxy view the law as creating stability to attract investment, which will lead to development and thus a more sustainable peace.

The 'customary' aspect of customary law was also not an accurate description. While customary law was intended to ensure continuity with past indigenous practice, it in fact

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<sup>53</sup> In reality, however, those administering customary law were granted significant discretion, with District Commissioners only interceding where order was potentially threatened. Ibid, 13; Kane, Oloka-Onyango and Tejan-Cole, "Reassessing Customary Law," 5.

<sup>54</sup> J.H. Jearey, "The Structure, Composition and Jurisdiction of Courts and Authorities Enforcing the Criminal Law in British African Territories," *International and Comparative Law Quarterly* 9 (July 1960): 409-410; LaRay Denzer, "Sierra Leone – Bai Bureh," in *West African Resistance*, ed. Michael Crowder (London: Hutchinson and Co., 1971).

<sup>55</sup> Sandra Fullerton Joireman, "Inherited Legal Systems and Effective Rule of Law: Africa and the Colonial Legacy," *Journal of Modern African Studies* 39, no. 4 (2001): 579.

<sup>56</sup> Yash Ghai, "Law, Development and African Scholarship," *The Modern Law Review* 50 (October 1987): 752-753.

<sup>57</sup> Fyfe, *A Short History of Sierra Leone*, 135.

created a new legal structure that drew upon indigenous law but did not replicate it.<sup>58</sup> The poor mirroring of indigenous law in customary law was due partly to a lack of awareness of the diversity of practices throughout rural Sierra Leone. Some colonisers genuinely believed that customary law was merely a more formalised continuation of time-honoured local practice.<sup>59</sup> Yet, as Mann and Roberts note, customary law ‘solidified fluid cultural and legal ideas and relationships into reproducible ones.’<sup>60</sup> The manner in which knowledge of local practices was derived had crucial implications for that which became crystallised into ‘customary’ law. Mann and Roberts go on to explain:

When questions arose about custom, officials turned for answers to chiefs and others they regarded as repositories of local knowledge and upholders of local authority. Such persons were always men and usually elders. The reliance of officials on particular individuals or groups to define tradition gave them new advantages in the competition for resources and labour and it augmented their power.<sup>61</sup>

Customary law was thus produced by many overlapping power struggles between men and women, elders and young people, rulers and ruled, and land owners and slaves.<sup>62</sup> Not always cognisant of, or concerned with, these struggles, colonisers crystallised the versions of customary law as reported to them by the powerful, thus enforcing a highly particular version of ‘custom’.

In recognising what local elites described as the existing custom and in pursuit of order, new conceptions of custom were introduced that altered rights, duties and relationships.<sup>63</sup> For instance, many colonial Governors noted that chiefship was not hereditary. Yet, as Arthur Abraham notes, ‘the colonial officials, eager to create a neat system out of pre-colonial dynamics, insisted on or invented principles that were not altogether indigenous’.<sup>64</sup> Stretching ‘custom’ even further, where local leaders were not willing to perform the tasks assigned to them by their ‘colonial masters’, the British simply created new leaders who were more pliable and imbued them with ‘customary’ right.<sup>65</sup> This was most clearly demonstrated after

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<sup>58</sup> Mann and Roberts, “Introduction,” 8.

<sup>59</sup> See for instance T.J. Alldridge, *A Transformed Colony: Sierra Leone*, (Westport, CT: Negro Universities Press, 1910, Reprint, 1970).

<sup>60</sup> Mann and Roberts, “Introduction,” 4.

<sup>61</sup> Ibid, 22.

<sup>62</sup> Ibid, 9; Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, NJ: Princeton University Press, 1996), 122.

<sup>63</sup> Finnegan and Murray, “Limba Chiefs,” 417.

<sup>64</sup> Abraham, *Mende Government and Politics Under Colonial Rule*, 274

<sup>65</sup> Fullerton Joireman, “Inherited Legal Systems and Effective Rule of Law,” 579.

the Hut Tax War of 1898, when a number of chiefs violently resisted the imposition of a colonial tax. As Christopher Fyfe explains:

After the war ended ... [the] power [of those who sided with the British] was increased, for the government trusted them and supported them because they had been loyal. Chiefs the government could rely on were appointed to succeed those hanged or deposed after the war.<sup>66</sup>

Often these new ‘chiefs’ had not possessed an indigenous leadership role prior to the war.<sup>67</sup> Law thus became an instrument for social change, whether that change was biased, invented or imposed.<sup>68</sup> Britain’s ultimate interest in order meant that the costs of such changes were overlooked. As Fyfe suggests, these changes in legal administration meant that the Sierra Leone Protectorate ‘was at peace, [but] it was not yet ruled by law or justice.’<sup>69</sup> Rather than being reproduced through social practice, custom was enforced by a legal order, backed up by the colonial state, whose ‘order’ was often coercively maintained.<sup>70</sup>

The manner in which the colonial power interpreted custom has had long-term impacts on configurations of justice provision in Sierra Leone. Whilst British District Commissioners curtailed chiefly duties considerably, allowing them to arbitrate only on issues of land, marriage, divorce and petty offences under the Penal Code, their power within these realms increased.<sup>71</sup> As chiefs and elders now had greater purview for determining what constituted ‘custom’, their power in relation to their limited jurisdiction went unchecked by other forces, leading to accusations of authoritarianism and that chiefs ran the chieftdoms ‘as if it was their personal property.’<sup>72</sup> In this way, as Finnegan and Murray suggest, ‘a new definitive power was introduced where before a ruler had to rely on persuasion and diplomacy.’<sup>73</sup> These powers have remained contentious within Sierra Leone, (chiefly abuse, as seen in chapter two, was pointed to by former-combatants as a cause of the war) and are now being critically re-examined by government and civil society post-conflict.<sup>74</sup>

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<sup>66</sup> Fyfe, *A Short History of Sierra Leone*, 149.

<sup>67</sup> Ibid.

<sup>68</sup> Mann and Roberts, “Introduction,” 6.

<sup>69</sup> Fyfe, *A Short History of Sierra Leone*, 150.

<sup>70</sup> Mamdani, *Citizen and Subject*, 50.

<sup>71</sup> Kup, *Sierra Leone: A Concise History*, 181-182; Jearey, “The Structure, Composition and Jurisdiction of Courts and Authorities Enforcing the Criminal Law in British African Territories,” 409.

<sup>72</sup> Joe A.D. Alie, *A New History of Sierra Leone* (London: Macmillan, 1990), 154.

<sup>73</sup> Finnegan and Murray, “Limba Chiefs,” 417.

<sup>74</sup> In 2009 the Chieftaincy Act was passed by the Sierra Leone Parliament, seeking to clarify the role of chiefs. This legislation was the result of campaigning and negotiations with chiefs, led by the local NGO, Campaign for Good Governance. Some of the original efforts within drafts of the Act to limit chieftaincy powers were later removed at the insistence of chiefs. Government of Sierra Leone, “The Chieftaincy Act”, 2009,



Chiefly abuse in administering customary law eventually prompted action by the Colonial government, who feared that oppressive behaviour might incite public disorder. In 1937 Tribal Authorities were established within chiefdoms, in an attempt to check the judicial powers of chiefs. In settling disputes chiefs would henceforth have to consult with Tribal Authorities who represented taxpayers within their communities.<sup>75</sup> Despite the administrative change, this rarely happened in practice.<sup>76</sup> Colonialist's 'modernisation' plans became more frequent in the lead up to decolonisation throughout the 1950s, in recognition of the fact that while chiefs had served a useful purpose under indirect rule, they were not what was required for independent government.<sup>77</sup> This recognition suggests some level of understanding that important differences exist between the order sought by the colonial government through indirect rule and the governance required for independence. District Councils were established in 1947 which led to a reduction in the formal role of chiefs and Tribal Authorities. Yet despite these cosmetic changes, the powers of the chiefs remained strong. Ruth Finnegan and David Murray note:

The chiefs still combined judicial, tax assessing and collecting, and local administrative roles, as well as filling an office of considerable prestige. In the execution of their powers they were not subjected to close supervision, and the Commission into the disturbances in the Provinces in 1956 [a revolt against chiefs] revealed the manner in which the chiefs were able to use their powers: using the tax assessment committees to impose fines, arranging the judicial bench to suit their interests, using the power to assess taxes to distribute favours and punishments, imposing unlawful levies and tributes, selective summoning of persons to Tribal Authority meetings, incarcerating on their own authority, and so on.<sup>78</sup>

The colonial period was thus crucial in shaping the modern justice matrix in Sierra Leone, establishing the division between formal and customary law, empowering chiefs to interpret custom and limiting their jurisdiction whilst broadening their powers within it.

### *An Independent Judiciary?*

Independence in 1961 provided Sierra Leone with the opportunity to forge a new judicial system. Internationally, it was thought that as newly-independent African states developed and became more 'modern', their reliance on informal or traditional means of resolving

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<http://www.sierra-leone.org/Laws/2009-10.pdf>, accessed 17 December, 2009; Author interviews with Marcella Macaulley, Campaign for Good Governance, 1 April 2009; and Paramount Chief Mohammed Tshombe Kargoi the 2<sup>nd</sup>, Wunde Chiefdom, Bo District, 19 March 2009.

<sup>75</sup> Finnegan and Murray, "Limba Chiefs," 421.

<sup>76</sup> Ibid.

<sup>77</sup> Ghai, "Law, Development and African Scholarship," pp. 751-753.

<sup>78</sup> Finnegan and Murray, "Limba Chiefs," 428.

disputes would fade.<sup>79</sup> This did not occur, and customary law has remained widespread.<sup>80</sup> Equally, the option of rejecting the colonialist imposition of formal English law also did not occur. Fullerton Joireman points out:

At independence ... experience of a national legal system ... was of that designed by the continental European powers or the British. Therefore, just as newly independent colonies chose to keep the languages of the metropolises for the conduct of governmental activities, so too they retained the legal and other political institutions left behind.<sup>81</sup>

Sierra Leonean independence thus embraced a complex array of legal institutions, rather than streamlining them into a unified legal code. This maintenance of two legal codes (as well as Islamic law, in relation to Muslim marriages)<sup>82</sup> meant that justice in the post-independence environment continued to be a two-tiered system, both of which provided a deplorable service.

The weakness of the burgeoning indigenous formal judiciary rendered it susceptible to political influence. Sir Albert Margai (President from 1964-1967) removed Chief Justice Sir Bankole Jones and replaced him with his friend, Gershon Collier, thus beginning a trend of nepotism within the judiciary.<sup>83</sup> During this time legislation curtailing individual rights was also introduced, such as the Public Order Act (1965) and Criminal Procedures Act (1965).<sup>84</sup> Under the (eventual) one party rule of the All People's Congress (APC) of Siaka Stevens (1967-1985) and Joseph Momoh (1985-1991), the judiciary was 'progressively politicised and subsumed under government control.'<sup>85</sup> Judicial appointments were increasingly made on the basis of loyalty to the APC regime and high level positions of Magistrates and Judges were doled out as patronage to the highest bidder (not necessarily in financial terms, but on the basis of who was most politically useful).<sup>86</sup> In 1978 the Attorney General was granted powers

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<sup>79</sup> Leah Wambura Kimathi, "Non-state Institutions as a Basis of State Reconstruction: The Case of Justice Systems in Africa," Paper presented at CODESRIA's 11<sup>th</sup> General Assembly, Maputo, 6-10 December, 2005, 7-8; Ernest Aryeetey, "Formal and Informal Economic Activities," in *Africa Now: People, Policies, Institutions*, ed. Stephen Ellis (Oxford: James Currey, 1996), 119.

<sup>80</sup> Wambura Kimathi, "Non-state Institutions as a Basis of State Reconstruction, 7-8.

<sup>81</sup> Fullerton Joireman, "Inherited Legal Systems and Effective Rule of Law," 576.

<sup>82</sup> Hanatu Kabbah, "Sierra Leone Legal System and Legal Research," November 2006, [http://www.nyulawglobal.org/globalex/Sierra\\_Leone.htm](http://www.nyulawglobal.org/globalex/Sierra_Leone.htm), accessed 20 September, 2009.

<sup>83</sup> African Human Security Initiative, "Sierra Leone: A Country review of crime and criminal justice, 2008," Institute for Security Studies Monograph 160, May 2009, 61.

<sup>84</sup> Ibid.

<sup>85</sup> Thompson, "In Pursuit of Justice," 5.

<sup>86</sup> Ibid.

of ‘judicial affairs’ and a single party constitution was passed.<sup>87</sup> As a report on the judiciary in Sierra Leone suggests, this constitution laid ‘a firm foundation for the executive to dominat[e] ... not only the opposition, but also the judiciary and legislature.’<sup>88</sup>

Some attempts to engage in legal reform were made during this period, but were largely thwarted by inefficiency and corruption. For instance, the Law Reform Commission was established in 1975, to review English laws imported into Sierra Leonean legislation and to ensure that they were appropriate to the local context.<sup>89</sup> Efforts were also to be made within the Commission to harmonise and codify customary law, which continued to differ across Sierra Leone’s 149 chiefdoms. A few early drafts of plans were made by the Commission, but no legislative changes resulted.<sup>90</sup> Niobe Thompson sums up the general perception of the post-independence judiciary:

All this has arguably diluted judicial independence from the executive. Judges and magistrates are widely perceived as corrupt and the justice system came to be seen as an instrument of state power and wealthy interests. A reservoir of resentment developed towards the judiciary among those who ... received unfair treatment at its hands.<sup>91</sup>

The above depiction is largely a Freetonian perspective, where the judiciary, like most state resources in Sierra Leone, operates most effectively.<sup>92</sup> It should be noted that formal Magistrates Courts, dispensing English law were present in the provinces from 1965, but not nearly as popular as their customary law counterparts. Furthermore, by the 1980s the formal judiciary was virtually non-existent in provincial Sierra Leone as state resources dried up.<sup>93</sup> Customary law, however, continued to operate and the post-independence state was engaged in some of its transformations.

As the most utilised *legal* justice service in the country, the workings and failings of the Local Courts require elaboration. A key development in Sierra Leone legal practice was the Local Courts Act of 1963, which established Local Courts as the arbiters of customary law, taking

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<sup>87</sup> Ibid.

<sup>88</sup> African Human Security Initiative, “Sierra Leone: A country review,” 61.

<sup>89</sup> Thompson, “In Pursuit of Justice,” 10.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> Ibid; Mark Malan, “The Challenge of Justice and Reconciliation,” in *Sierra Leone – Building the Road to Recovery*, eds. Mark Malan et al, Monograph No. 80, Institute for Security Studies, March 2003.

<sup>93</sup> Thompson, “In Pursuit of Justice,” 16.

over from their predecessor, the Native Courts.<sup>94</sup> The Local Courts Act defines customary law as ‘[a]ny rule ... having the force of law in any chiefdom of the provinces ... and conforms with natural justice and equity’.<sup>95</sup> Unlike the Native Courts, chiefs no longer adjudicated on customary law matters, with court chairmen appointed in their place.<sup>96</sup> This ostensibly removed chiefs from the Local Courts and afforded greater judicial independence. However, the court chairmen were largely selected by chiefs and therefore influenced by them, so that the system did not necessarily curtail the abuses it was intended to.<sup>97</sup> For instance, Ryann Manning notes that ‘in a Bombali [district] chiefdom, a previous court chairman was alleged to have consulted the Paramount Chief on all cases before ruling.’<sup>98</sup> Local Courts were established in each chiefdom to administer customary laws as they related to civil, and some criminal cases, but the jurisdictional limits remain unclear.<sup>99</sup> The Local Courts Amendment Act of 1965 provides that Local Courts can adjudicate on civil claims of up to Le200 (now, equivalent to just over USD 0.07) and criminal cases with a penalty of up to one year imprisonment.<sup>100</sup> Yet these jurisdictional amounts remain contested in the literature<sup>101</sup> and rarely adhered to in practice. As Clare Castillejo notes, ‘[a] number of local court chairmen and officers interviewed were unaware of the legal limits of their jurisdiction. For example, one local court officer in Koidu town reported that his court could hear cases that carry fines of up to 1 million Leones.’<sup>102</sup>

<sup>94</sup> Kabbah, “Sierra Leone Legal System and Legal Research”; Smart, “The Place of Islamic Law within the Framework of the Sierra Leone Legal System,” 88; Sierra Leone Court Monitoring Programme, “Customary Law Users Guide,” 5 October, 2006, [http://www.slcmp.org/drwebsite/manager/uploads/1/SLCMPCustomary\\_Law\\_Manual\\_Final.pdf](http://www.slcmp.org/drwebsite/manager/uploads/1/SLCMPCustomary_Law_Manual_Final.pdf), accessed 28 September, 2009.

<sup>95</sup> Quoted in Smart, “The Place of Islamic Law within the Framework of the Sierra Leone Legal System,” 88.

<sup>96</sup> Ryann Elizabeth Manning, “Landscape of Local Authority in Sierra Leone: How ‘Traditional’ and ‘Modern’ Justice and Governance Systems Interact,” in *Decentralisation, Democracy and Development: Recent Experience in Sierra Leone*, ed. Yongmei Zhou (Washington, DC: World Bank, 2009), 133.

<sup>97</sup> Thompson, “In Pursuit of Justice,” 48.

<sup>98</sup> Manning, “Landscape of Local Authority in Sierra Leone,” 131.

<sup>99</sup> Sierra Leone Court Monitoring Programme, “Customary Law Users Guide”; Gabriel T. Jonnie, “Examining the Dispensation of Justice in Native Administration Courts,” Sierra Leone Court Monitoring Programme, 29 November, 2006, [http://www.slcmp.org/drwebsite/articles/Examining\\_the\\_Dispenation\\_of\\_Justice\\_in\\_Native\\_Administration\\_Courts.shtml](http://www.slcmp.org/drwebsite/articles/Examining_the_Dispenation_of_Justice_in_Native_Administration_Courts.shtml), accessed 2 October, 2009.

<sup>100</sup> Government of Sierra Leone, *Local Courts (Amendment) Act*, 1965, s. 13(1).

<sup>101</sup> While the World Bank Justice for the Poor Programme’s prolific reports and some others reflect the above limits (see for instance Manning, “Landscape of Local Authority in Sierra Leone,” 131; Kane, Oloka-Onyango and Tejan-Cole, “Reassessing Customary Law,” 9), several accounts of the justice system do not. It seems that some report Local Courts to have jurisdiction of up to Le250,000 (see for instance, Clare Castillejo, “Building Accountable Justice in Sierra Leone,” Working Paper 76, FRIDE, January 2009, 2; Jonnie, “Examining the Dispensation of Justice in Native Administration Courts”). This is, in fact, the jurisdictional limit of the Magistrates Courts, the lowest court administering formal English law, with cases above this limit having original jurisdiction in the High Court (Alterman et al, “The Law People See,” 9). It is unclear whether this explains the confusion over jurisdictional limits of the Local Courts.

<sup>102</sup> Castillejo, “Building Accountable Justice in Sierra Leone,” 7-8.

It is certainly true that the Local Courts do not adhere to the Local Courts Amendment Act jurisdictional limits, and that they in fact adjudicate cases far beyond their jurisdiction. It is also true, however, that Le200 is an excessively low jurisdictional limit for any court. As Manning points out, Le200 ‘is not even enough to buy a small loaf of bread’.<sup>103</sup> Were the Local Courts to adhere to the Amendment Act limits, their jurisdiction would be largely meaningless. Such confusion is demonstrative of the lack of consistency or oversight of customary law practices.

Local Courts are mainstreamed into the formal legal system in Sierra Leone through the appeals process, but certain procedures remain unique. For instance, Local Courts bar lawyers from representing clients within the Court, although users may draw upon persons knowledgeable in customary law to build their case.<sup>104</sup> This is essential as customary law is still unwritten, and thus people cannot always be certain of the content of the law before bringing their case. Appeals from Local Courts are to the District Appeals Court (consisting of a District Magistrate, assisted by two ‘assessors’, experts in customary law, as chosen by the Magistrate).<sup>105</sup> Further appeal from the District Appeals Court is to the Local Appeals Division of the High Court (consisting of a High Court Judge and two assessors in a purely advisory capacity).<sup>106</sup> Appeals from this Court are possible to the Court of Appeal and finally to the Supreme Court.<sup>107</sup> However, while the appeals process integrates the Local Courts into the formal law system, in deciding cases in the formal appeals courts, judges must apply customary law (the presence of the assessors is to provide knowledge of this law, as judges are not necessarily trained in its application or its many forms). Local Courts are also, in theory, meant to be supervised by customary law officers, from the Attorney General’s Office to ensure decisions adhere to natural justice and equity, but these did not function throughout the civil war (and in 2007 there were only three in all of provincial Sierra Leone to supervise the estimated 288 Local Courts countrywide).<sup>108</sup> The Courts are funded and ultimately overseen by Ministry of Internal Affairs – a government, rather than judicial body, and thus

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<sup>103</sup> Manning, “Landscape of Local Authority in Sierra Leone,” 131.

<sup>104</sup> Sierra Leone Court Monitoring Programme, “Customary Law Users Guide.”

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Thompson, “In Pursuit of Justice,” 18; Braima Koroma, “Local Courts Record Analysis Survey in Sierra Leone,” Justice Sector Development Programme and the World Bank’s Justice for the Poor Programme, October 2007, [http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTLAWJUSTICE/EXTJUSFORPOOR/0..contentMDK:21172707~menuPK:3282963~pagePK:210058~piPK:210062~theSitePK:3282787,00.html#Sierra\\_Leone](http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTLAWJUSTICE/EXTJUSFORPOOR/0..contentMDK:21172707~menuPK:3282963~pagePK:210058~piPK:210062~theSitePK:3282787,00.html#Sierra_Leone), accessed 4 October, 2009, 8.

unique from other courts within the judicial system.<sup>109</sup>

While the above depiction situates the Local Courts at the bottom of the legal system, this is from a formal law perspective. In practice, Local Courts also represent the highest body of appeal within chiefdoms, where customary law is administered by other informal actors.<sup>110</sup> Despite the changes to the customary law system and streamlining of its courts with those of the formal law system, it has been noted that, in practice, most people in the provinces continue to take disputes to their local chiefs, elders, workplace associations or secret societies first, and only to the Local Courts if the matter remains unresolved.<sup>111</sup> The use of the chiefs and other informal actors as arbiters of customary law is expressly illegal.<sup>112</sup> However, the continuation of such practices was arguably encouraged by the political environment of post-independence Sierra Leone. A combination of the contraction of state revenue and the Freetown/province divide (which ultimately sees the majority of resources directed towards the capital) ensured that services for provincial Sierra Leone remained an afterthought. It was thus permitted to continue functioning according to its own logic, providing that this did not negatively influence the government in Freetown. As a result, practices such as chiefly arbitrations continued to occur with little outside scrutiny. The central government's neglect of the provincial justice system thus exacerbated the abuses that are now recognised as having contributed to the conditions that led to civil war.<sup>113</sup>

Throughout the civil war, oversight of provincial justice was even rarer still. Whilst in some areas, Local Courts ceased to function, in others (such as the Southern Province), Local Courts became entirely financially dependent on the revenue generated from fines, which varied greatly across regions and became increasingly heavy.<sup>114</sup> Alongside the deteriorating Local Courts, chiefs continued to administer customary law in those areas which had not been displaced by conflict, or from where the chiefs had not fled.<sup>115</sup> As Thompson suggests:

With the onset of chronic insecurity in 1991, a host of improvised “justice systems” emerged

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<sup>109</sup> Koroma, “Local Courts Record Analysis Survey in Sierra Leone,” 8.

<sup>110</sup> Alterman et al, “The Law People See,” 4.

<sup>111</sup> Sierra Leone Court Monitoring Programme, “Customary Law Users Guide”; Bruce Baker, “Who Do People Turn to for Policing in Sierra Leone?,” *Journal of Contemporary African Studies* 23, no. 3 (2005): 371-390.

<sup>112</sup> Ibid.

<sup>113</sup> Namvula Rennie, “Silenced Injustices in Moyamba District,” Sierra Leone Justice Sector Development Programme, October 2006, 22.

<sup>114</sup> Thompson, “In Pursuit of Justice,” 18.

<sup>115</sup> Ibid, 11; 18.

to compete with or replace the state judiciary, just as vigilantism in the form of civil defence militias filled the vacuum created by the retreating official Sierra Leone Army. As a result, the authority of the courts has been seriously eroded.<sup>116</sup>

In some areas, the RUF and CDFs took over judicial functions, operating a highly discriminatory system that meted out harsh penalties.<sup>117</sup> After 11 years of conflict, court buildings and records were destroyed, judicial staff were not paid, Local Courts exacted hefty fines to meet costs, and a huge backlog of cases meant that many were awaiting justice. The justice system, both formal and customary, had quite clearly broken down.

### *Post-conflict and contemporary legal system*

The failures of the Sierra Leonean justice system to both administer judicial processes and to provide substantive justice cannot be underestimated. Post-conflict, the results have been devastating. The formal court system suffers from chronic understaffing, lack of funding and paucity of resources, which ultimately deprives provincial Sierra Leoneans more than those in the Western Area, where limited resources are concentrated. In 2000 there were only 15 magistrates and 20 judges in the entire country, with the vast majority of these Freetown based, serving approximately 20 per cent of the national population.<sup>118</sup> No Magistrate Court was operable in the Northern Province, with a temporary court set up in Lungi to carry out its functions.<sup>119</sup> At the end of 2001 there were approximately 100 lawyers in the country, 92 of them were Freetown-based.<sup>120</sup> Eight served the regions around Bo and Kenema, while there were no practicing lawyers in the Northern Province.<sup>121</sup> By 2008, this situation had not improved, with the Sierra Leone Bar Association reporting approximately 100 lawyers nationwide, yet only seven outside Freetown.<sup>122</sup> The Director of Public Prosecutions informed researchers in 2008 that there were ten state prosecutors nationwide, with seven based in Freetown and three allocated to the Provinces.<sup>123</sup> As a result, prosecutions within Magistrates Courts in the provinces are almost always carried out by police prosecutors.<sup>124</sup> Rent-seeking behaviour by court personnel is common, deterring many from utilising the Magistrate

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<sup>116</sup> Ibid, 26.

<sup>117</sup> Ibid, 26-27; Author interview with Member C, Promoters of Peace and Justice Freetown, 13 March 2009.

<sup>118</sup> Thompson, "In Pursuit of Justice," 4.

<sup>119</sup> Ibid.

<sup>120</sup> Dale, "Access to Justice in Sierra Leone," 7-8.

<sup>121</sup> Ibid.

<sup>122</sup> Castillejo, "Building Accountable Justice in Sierra Leone," 6.

<sup>123</sup> Ibid, 2.

<sup>124</sup> Ibid.

Courts, which are already perceived as being more expensive than Local Courts.<sup>125</sup> Alterman and others have noted in their examination of justice in Sierra Leone:

One lawyer, comparing today's situation to that before the war, says that corruption is more open and shameless than in the past. Before the war, he said, lawyers would approach magistrates after hours with offers of bribes whereas now the graft is more open and well known ... Magistrates feel especially empowered because their word is nearly always the final one. This situation results from the court being located far away from Freetown, with little possibilities for claimants to travel to appellate courts when they feel the process has been unjust.<sup>126</sup>

This corruption is not surprising when one considers that in Moyamba town, JSDP staff reported that court clerks had not been paid for 28 months.<sup>127</sup> Failure is also present in the higher echelons of the legal system. For instance, of 12 High Court Judges, ten sit in Freetown, one in Bo and one covers both Northern and Eastern Provinces.<sup>128</sup> Staff shortages have meant excessive workloads within the courts and a backlog of cases overwhelms staff. Thompson noted, for instance, that in 2002 Freetown Magistrates often heard up to 50 cases per day and that at the High Court level, backlog had caused delays for several years, with a number of active criminal and civil cases dating back to 1993-1995.<sup>129</sup>

While failures to provide both order and equitable justice in the formal system should not be underestimated, it is failures in the customary law system that are more relevant to the majority of Sierra Leoneans. Pamela Dale notes that in the provinces '[t]he limited number of functioning magistrates courts are based in district headquarter towns, which are far away (both physically and mentally) from residents of many remote – and even not-so-remote – villages.'<sup>130</sup> People thus more commonly rely upon the more prevalent Local Courts. There are between 1 and 5 Local Courts in each chiefdom in Sierra Leone, with an estimated 288 Local Courts countrywide, making these Courts substantially more accessible to those in the provinces.<sup>131</sup> Yet this accessibility has meant little in terms of improving access to substantive justice in Sierra Leone. In fact, the conditions in the Local Courts led Castillejo to suggest:

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<sup>125</sup> Ibid, 5.

<sup>126</sup> Alterman et al, "The Law People See," 15.

<sup>127</sup> Castillejo, "Building Accountable Justice in Sierra Leone," 7.

<sup>128</sup> Vivek Maru, "Between Law and Society: Paralegals and the Provision of Primary Justice Services in Sierra Leone," Open Society Justice Initiative, 2006, [http://www.soros.org/initiatives/justice/focus/legal\\_capacity/articles\\_publications/publications/between-law-and-society-20100310/between-law-and-society-20100310.pdf](http://www.soros.org/initiatives/justice/focus/legal_capacity/articles_publications/publications/between-law-and-society-20100310/between-law-and-society-20100310.pdf), accessed 4 March, 2010, 9.

<sup>129</sup> Thompson, "In Pursuit of Justice," 11.

<sup>130</sup> Dale, "Access to Justice in Sierra Leone," 8.

<sup>131</sup> Ibid; Justice Sector Coordination Office, "Justice Sector Review 2008" (Freetown: Government of Sierra Leone, 2008), 29.



While there is undoubtedly discrimination in the formal justice system, the most serious concerns relate to inequality in the customary justice system, where the laws are set and the procedures managed by senior men, with little oversight from other authorities and often in contradiction with the rights of marginalised groups.<sup>132</sup>

The legacy of the Local Courts is one of gerontocratic abuse of power vis-à-vis youth, ‘strangers’, women and other marginalised categories within Sierra Leonean society. While the Local Courts are, according to the Local Courts Act (1963), meant to provide a justice service to their communities, they are often inhospitable environments in which community members are poorly treated. As Gabriel Jonnie explains:

The conduct of proceedings at the Native Authority courts [Local Courts] is often held in an unfriendly atmosphere characterised by fear and intimidation. Court officials are notorious for intimidating parties by frequently shouting at them, thereby creating panic. Litigants, therefore, find it difficult to compose themselves well when giving evidence.<sup>133</sup>

Disproportionate fines are issued for sometimes invented offences. Vivek Maru illustrates such a scenario he witnessed in a Local Court in the Southern Province, where two fines of 10,000 Leones (USD 3.50) were levied against a witness as punishment for the witness speaking ‘a one-word answer to a question asked of him before the court clerk had finished recording the question in his languid handwriting.’<sup>134</sup> As Maru notes, the irony of this situation is that the witness was ‘someone who was in principle assisting the court in its work.’<sup>135</sup> Those unable to pay the fines are imprisoned, made to work off the fine through labouring, or forced to leave the chiefdom.<sup>136</sup> Castillejo notes that these fines:

appear to be becoming increasingly important as the new local councils now take a proportion of the tax that previously went entirely to the chiefdom. It was widely reported that fines levied by local courts bear less relation to the offence than to the current financial needs of the court and chief.<sup>137</sup>

These excessive fines mean that one of the prime benefits of the customary system – its financial accessibility – is potentially merely a perception rather than reality and further that grievances over injustices that led to civil war in the past remain unaddressed.

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<sup>132</sup> Castillejo, “Building Accountable Justice in Sierra Leone,” 9.

<sup>133</sup> Jonnie, “Examining the Dispensation of Justice in Native Administration Courts.”

<sup>134</sup> Vivek Maru, “The Challenges of African Legal Dualism: an Experiment in Sierra Leone,” *Justice Initiatives* (February 2005): 20.

<sup>135</sup> Ibid.

<sup>136</sup> Castillejo, “Building Accountable Justice in Sierra Leone,” 5.

<sup>137</sup> Ibid.

This derelict depiction of the justice system in Sierra Leone provides ample justification for the ‘rule of law orthodoxy’ programming that has become increasingly popular amongst international donors. For all the weaknesses and limitations of international engagement, the ability of outsiders to see the potential for justice is important. As Thompson laments, ‘Sierra Leoneans’ expectations of justice have been woefully low due to their accrued experience of failed court systems, powerful local militias and a weak police force.’<sup>138</sup> Alterman, and others, similarly note in their findings:

Subtle comments during interviews often hinted that many respondents accepted politicisation, incoherence, and unaccountability as intrinsic characteristics of the law. In other words, it is questionable whether the public could distinguish these flaws from the concept of law itself. This suspicion was supported more when we spoke to Sierra Leoneans outside of Sierra Leone. One interviewee in New York City exclaimed that he never saw the problems with bribes and nepotism until he left Sierra Leone. When a flawed legal system is all people know, it is difficult to require of them to demand better.<sup>139</sup>

It is in this regard that internationally-led justice reform efforts can assist in carving out a potential justice dividend within Sierra Leone’s legal system. Indeed, the Government of Sierra Leone has recognised that the justice predicament the country has found itself in at the end of the war ‘could seriously undermine peace, stability and development ... if left unaddressed.’<sup>140</sup> Yet reforms are not merely about returning to the pre-conflict state of affairs.<sup>141</sup> As Mark Malan notes:

The judicial infrastructure was perilous even before the war, suffering from under-investment in court buildings, accommodation for itinerant judges and magistrates, and transport facilities. The RUF subsequently destroyed most of what remained of the courts, which were systematically targeted along with other institutions of state power as part of the rebel strategy.<sup>142</sup>

Reforms must therefore go beyond merely mending old structures to attempting to forge new ones, which will better provide procedural and substantive justice to Sierra Leoneans, and yet still have the local legitimacy and trust needed to make justice institutions relevant. DFID has recognised the importance of engaging the justice sector as part of broader SSR efforts to ensure a sustainable peace:

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<sup>138</sup> Thompson, “In Pursuit of Justice,” 26.

<sup>139</sup> Alterman et al, “The Law People See,” 40.

<sup>140</sup> Government of Sierra Leone, “Project Concept Note,” 1.

<sup>141</sup> Thompson, “In Pursuit of Justice,” 5.

<sup>142</sup> Malan, “The Challenge of Justice and Reconciliation.”

Where there is poor governance and lack of belief in a rule of law ... then grievances, social exclusion and competition for resources are more likely to become violent. This can result in insecurity and conflict. Therefore, an important means of conflict prevention is for a country to have an effective state which provides free and fair justice.<sup>143</sup>

The efforts by DFID to create ‘free and fair justice’ through primary justice reform projects will be the focus of the remainder of this chapter.

### **DFID’s justice reform programmes**

The initial focus of DFID’s SSR programme was on security as an issue of policing and the armed forces, with justice playing no role in the early stages. A Law Development Project (LDP) was envisaged in 1995-1996 but was delayed due to the fragile security situation.<sup>144</sup> Yet as the capacity of the police improved, it became obvious that their ability to provide effective policing (and thus security) depended upon a functioning judiciary and prisons service that could prosecute suspects and detain convicted criminals.<sup>145</sup> The role of justice within security was thus recognised as playing an important, though ill-defined part. Furthermore, international justice efforts, such as the Truth and Reconciliation Commission, pointed to injustice as a central cause of the civil war, providing evidence of the need for justice reform to ensure post-conflict peace.<sup>146</sup>

The DFID-sponsored Law Development Project finally commenced in 2001 with a small budget of GBP 3-4 million.<sup>147</sup> The initial goals of the LDP, to improve the effectiveness of the judiciary including both the higher courts and Local Courts, to update and reform the legal code, and to train all legal personnel, proved overambitious.<sup>148</sup> Ultimately, the Project refurbished the three provincial High Courts, built and refurbished magistrate court buildings throughout the country, as well as providing equipment and logistical support to the judiciary.<sup>149</sup> These cosmetic improvements ‘had a major psychological effect – symbolising

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<sup>143</sup> DFID, “Security and Justice,” 2009, <http://www.dfid.gov.uk/Global-Issues/How-we-fight-Poverty/Conflict-and-Security/new-sub-theme-page/>, accessed 4 November, 2009.

<sup>144</sup> Thompson, “In Pursuit of Justice,” 16-17.

<sup>145</sup> Anthony C. Howlett-Bolton, “Aiming for Holistic Approaches to Justice Sector Development,” Paper No. 7, Working Paper Series, Security System Transformation in Sierra Leone, 1997-2007, October 2008, 5; Peter Albrecht and Paul Jackson, *Security System Transformation in Sierra Leone, 1997-2007* (Birmingham: Global Facilitation Network for Security Sector Reform, Birmingham University, 2009), 41.

<sup>146</sup> Truth and Reconciliation Commission for Sierra Leone, “Witness to Truth: Final Report of the Truth and Reconciliation Commission for Sierra Leone,” 2004, <http://www.trcsierraleone.org/drwebsite/publish/index.shtml>, accessed 17 January, 2009.

<sup>147</sup> Howlett-Bolton, “Aiming for Holistic Approaches to Justice Sector Development,” 6.

<sup>148</sup> Ibid, 6-7.

<sup>149</sup> Ibid; Derek Poate et al, “Evaluation of DFID Country Programmes: Sierra Leone,” Evaluation Report EV690,

the restoration of normality and the rule of law'.<sup>150</sup> Yet little improvement could be discerned in the capacity of the judiciary and case backlogs and corruption remained common, while the customary law system was weak and under-supervised.<sup>151</sup> Thus, although the LDP made strides towards improved materials and structures which could facilitate the application of the law, human and institutional capacity remained low. As Sannerholm notes:

The issue of both law reform and institution building has frequently been approached as a technical or practical problem translated into refurbishing courthouses or importing "good laws". But the problem lies elsewhere. As noted by the [UN] Secretary-General in relation to Sierra Leone, courthouses and prison facilities have been built or renovated throughout the country, but "progress has been slow in addressing such problems as undue delays in the trial and adjudication of cases and the lack of judicial personnel." Any type of externally promoted rule of law reform is, above all, a matter of enhancing capacity and changing behaviour, and as such, is more political than legal-technical in nature.<sup>152</sup>

In order to build a judicial system capable of effective functioning, efforts were needed to enhance the capacity of staff within the judiciary and to engage with cultures both within the justice system and those surrounding it, to alter the manner in which law was practiced.<sup>153</sup>

As the extent of breakdown within the legal system was fully realised and the links between justice, security and development better understood, justice reform began to be mainstreamed into DFID and Government of Sierra Leone work. Around this time, in 2003-2004, initial preparatory planning was being done for Sierra Leone's Poverty Reduction Strategy Paper (PRSP), in which the rule of law, human rights and due process were highlighted as fundamental to economic growth.<sup>154</sup> Commitment to a sector-wide justice reform programme was indicated in the 'Long-Term Partnership for Development', agreed between the governments of the UK and Sierra Leone in 2003.<sup>155</sup> A 'broad programme of support' for the justice sector was also flagged as one of the UK's indicators of progress within the Poverty

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September 2008, <http://www.dfid.gov.uk/Documents/publications/evaluation/ev690.pdf>, Accessed 8 December, 2009, 34.

<sup>150</sup> Sierra Leone Governance and Reconstruction Reform Progress Report, quoted in Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 41.

<sup>151</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 42.

<sup>152</sup> Sannerholm, "Legal, Judicial and Administrative Reforms in Post-Conflict Societies," 78.

<sup>153</sup> Golub, "A House without a Foundation," 122-123.

<sup>154</sup> World Bank, "Republic of Sierra Leone Joint IDA-IMF Staff Advisory Note on the Poverty Reduction Strategy Paper," 13 April, 2005, [http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2005/04/15/000090341\\_20050415102633/Rendered/PDF/31775.pdf](http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2005/04/15/000090341_20050415102633/Rendered/PDF/31775.pdf), accessed 8 December, 2009, 44; 59; 84; DFID, "Poverty Reduction Framework Agreement between the UK and Sierra Leone," 30 April, 2004, <http://www.dfid.gov.uk/Documents/publications/sierraleone-prf-arrangement.pdf>.

<sup>155</sup> DFID, "Sierra Leone: A Long-term Partnership for Development," February 2003, <http://www.dfid.gov.uk/Documents/publications/sl-long-term-partnership.pdf>, accessed 8 December, 2009.

Reduction Framework Agreement between the UK and Sierra Leone, the document intended to set out the commitments necessary to reducing poverty in post-conflict Sierra Leone.<sup>156</sup> As justice was increasingly recognised as being important for both security (in support of policing functions and providing people with an effective non-violent conflict resolution mechanism) and development (by maintaining the rule of law and due process that would attract investors), DFID's work in this area duly expanded.

The Justice Sector Development Programme (JSDP) was launched in 2005, funded by DFID and managed by the British Council.<sup>157</sup> Its five year mandate (which has since been extended to 2011) is to establish safety, security and access to justice for the people of Sierra Leone, in particular the poor, vulnerable and marginalised.<sup>158</sup> The JSDP takes a broad, multi-sector approach to justice, working with 'all stakeholders who have a part to play in delivering justice, both within government and within civil society.'<sup>159</sup> They involve the judiciary (both formal and customary systems), Ministry of Internal Affairs, police, prisons service and civil society in attempting to create a fairer and more effective justice system.<sup>160</sup> This joined-up approach represents an important shift away from conceiving of institutions in isolated reform packages, as tended to occur with early policing and military reform programmes.<sup>161</sup> The JSDP became regarded as 'the first Sierra Leone experience of a broad sector-wide programme',<sup>162</sup> with the programme regarded as 'the most ambitious and far-reaching of reform efforts.'<sup>163</sup> Perhaps more importantly, the JSDP also paved the way for the broadening of understandings of security within SSR to incorporate issues of justice. Such a broadening might tentatively suggest a more locally relevant understanding of security, given the role that injustice played in causing the civil war.

### *JSDP's Formal Justice Reforms*

An examination of the projects that have been undertaken within the JSDP highlights just how

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<sup>156</sup> DFID, "Poverty Reduction Framework Agreement between the UK and Sierra Leone," 30 April, 2004, <http://www.dfid.gov.uk/Documents/publications/sierraleone-prf-arrangement.pdf>.

<sup>157</sup> Castillojo, "Building Accountable Justice in Sierra Leone," 3.

<sup>158</sup> Rennie, "Silenced Injustices in Moyamba District," 2; Park, "Consolidating Peace: Rule of Law Institutions and Local Justice Practices in Sierra Leone," 543; Author interview with Peter Viner, Coordinator, Justice Security Development Programme, 27 February 2009.

<sup>159</sup> Rennie, "Silenced Injustices in Moyamba District," 2.

<sup>160</sup> DFID, "Non-state Justice and Security Systems" (London: DFID, May 2004), 1.

<sup>161</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 134.

<sup>162</sup> 2005 Output to Purpose Review, Sierra Leone Security Sector Reform Programme III, quoted in Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 134.

<sup>163</sup> Sriram, "(Re)building the rule of law in Sierra Leone," 12.

broad justice reform has been in Sierra Leone. The primary focus of the JSDP has been to assist the Government of Sierra Leone in establishing a Justice Sector Coordination Office (JSCO) (the JSDP continues to provide budgetary support to the JSCO), to oversee and coordinate the complex legal system. Current JSDP activities engage largely with the formal legal system, and include building the capacity of Parliament to debate legislation in a meaningful manner, support to the Ombudsman, as well as to investigations and operations of the Anti-Corruption Commission.<sup>164</sup> They have assisted the Government of Sierra Leone in reviewing national legislation and legally implementing international obligations, both of which have also been followed up with public awareness campaigns to publicise new laws.<sup>165</sup> Capacity building projects work with the Ministry of Internal Affairs in an attempt to improve oversight of the police and with civil society to build upon the role that they can play in advocacy and oversight within the justice system.<sup>166</sup> The SLP are supported through ongoing projects to promote proactive intelligence-led policing, and a countrywide manual is being produced to standardise the practices of the Family Support Units.<sup>167</sup> Work is being done with the Department for Public Prosecutions, to improve their capacity and efficiency and community mediation programmes (in conjunction with civil society) are being supported, alongside the development of a legal aid programme, all in an effort to build a more accessible and speedy justice system.<sup>168</sup> Prisons management is being reformed, with particular attention being paid to the health and rehabilitation of prisoners.<sup>169</sup> This area of justice reform cannot be overlooked, with the largest prison in Sierra Leone, Pademba Road in Freetown, operating at a capacity of 350 per cent.<sup>170</sup> Alongside the prisons programme, attempts are also being made to improve juvenile justice, moving minors from prisons into youth remand centres.<sup>171</sup> The JSDP has also provided ‘top-ups’ of the salaries of judges and registrars, in an attempt to curb corruption and as an incentive to recruit qualified staff to the state system, which exists in competition with the traditionally more lucrative private legal sector.<sup>172</sup> Finally, infrastructure and equipment is being upgraded and improved across the country at all court levels.<sup>173</sup> Whilst each of these reforms has undoubtedly contributed in

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<sup>164</sup> Author interview with Peter Viner, Coordinator, Justice Sector Development Programme, 27 February 2009.

<sup>165</sup> Sriram, “(Re)building the rule of law in Sierra Leone,” 12-13.

<sup>166</sup> Author interview with Peter Viner, Coordinator, Justice Sector Development Programme, 27 February 2009.

<sup>167</sup> Ibid.

<sup>168</sup> Ibid.

<sup>169</sup> Ibid.

<sup>170</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone*, 137.

<sup>171</sup> Author interview with Peter Viner, Coordinator, Justice Sector Development Programme, 27 February 2009.

<sup>172</sup> Sriram, “(Re)building the rule of law in Sierra Leone,” 12.

<sup>173</sup> Author interview with Peter Viner, Coordinator, Justice Sector Development Programme, 27 February 2009.

interesting ways to the post-conflict justice system, of concern here are the efforts to engage informal justice actors.

### *JSDP's Informal Justice Reforms*

Alongside this substantial engagement with the formal legal system, the JSDP has also been active in reforms of the informal legal system. As Stephen Golub notes, DFID 'has ... played a trailblazing role in studying customary and other non-state justice systems, which the poor employ far more than their societies' less affordable, accessible and comprehensible judiciaries.'<sup>174</sup> Given that dissatisfaction with the justice system within Sierra Leone has been noted as a cause of the conflict, and given the greater reliance upon informal justice practices than on the formal judiciary, such engagement and reform is crucial to building a sustainable peace. DFID's 'trailblazing' role also heeds the advice of UN Secretary-General Kofi Annan's 2004 report to the Security Council, 'The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies', in which he suggests that '[d]ue regard must be given to indigenous and informal traditions for administering justice or settling disputes, to help them to continue their often vital role and to do so in conformity with both international standards and local tradition.'<sup>175</sup>

The JSDP has developed, in consultation with GoSL, a Justice Sector Reform Strategy, which sets the goal of providing improved justice at the community level, as 'with a formal legal system that is inaccessible to 70% of our people, we need to make sure that alternative systems for delivering justice (including through chiefdoms) are functioning properly and fairly.'<sup>176</sup> According to the JSDP, primary justice is where justice intersects with communities and becomes meaningful at the local level.<sup>177</sup> As of early 2009, primary justice projects focused predominantly on efforts to codify customary law and to reform the Local Courts system that administers customary law. Pilots of these projects were carried out in Moyamba District (the JSDP's pilot location) and are now being rolled out more broadly.<sup>178</sup> These two main projects will be considered in turn before highlighting their potential limitations. While DFID's JSDP has made headway engaging with informal justice actors, the terms of these

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<sup>174</sup> Stephen Golub, "The Rule of Law and the UN Peacebuilding Commission: A Social Development Approach," *Cambridge Review of International Affairs* 20, no. 1 (2007): 48-49.

<sup>175</sup> Quoted in Park, "Consolidating Peace," 550.

<sup>176</sup> Government of Sierra Leone, "Justice Reform Strategy and Investment Plan, 2008-2010," December 2007, [http://www.daco-sl.org/encyclopedia/4\\_strat/4\\_1/justice\\_sector\\_reform08-10.pdf](http://www.daco-sl.org/encyclopedia/4_strat/4_1/justice_sector_reform08-10.pdf), accessed 23 December, 2009.

<sup>177</sup> Author interview with John Magbity, Primary Justice Manager, Justice Sector Development Programme, 8 April 2009.

<sup>178</sup> Ibid.

engagements are not without shortcomings, which ultimately limit the ability of their SSR programme to comprehensively address the causes of conflict and provide sustainable post-conflict security.

### **Codification of Customary Law**

The JSDP has embarked upon a project to codify customary law across Sierra Leone's 149 chiefdoms, which currently each operate with their own version of customary law. Customary law in Sierra Leone is not written, and interpretations of the law within Local Courts are based upon the memory of community leaders, and differ markedly across the country.<sup>179</sup> The unwritten status of customary law has created difficulties in determining precedents and in affording citizens knowledge of the law. Such inexactitudes have meant that the law as applied by the Local Courts is often unclear, with citizens not knowing what behaviours constitute a crime and what the punishments for contraventions might be.<sup>180</sup> This lack of clarity has also allowed the Courts to pass judgments that are unlawful (according to statutes limiting their jurisdiction) as well as unjust. It is recognised within the Sierra Leonean legal system that these injustices contributed to the dissatisfactions that led to conflict, and customary law therefore needs to be rendered more transparent in order to avoid such injustices in future.<sup>181</sup> One method of clarifying customary law and reducing its arbitrariness is to develop it from its loosely understood principles that differ from place to place into exact statements of law that can be recorded and consistently applied. This logic led to the JSDP's codification project.

Codification, as understood by the High Court Justice tasked with the project, involves three stages – restatement, unification and codification. As of late 2009 only the first stage had been completed within Moyamba District (1 of 12 districts in Sierra Leone), containing 14 chiefdoms.<sup>182</sup> Justice Fofana of the High Court of Sierra Leone was appointed by the JSDP to carry out the restatement within this area and took just under 12 months to complete the process. Restatement involves compiling a description of all laws of the communities within a District, drawing upon interviews with community elders, written works, Local Court and superior court records (where the latter have employed their local appellate jurisdiction),

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<sup>179</sup> Author interview with Justice Fofana, Justice of the High Court of Sierra Leone, 10 March 2009.

<sup>180</sup> Author interview with John Magbity, Primary Justice Manager, Justice Sector Development Programme, 8 April 2009.

<sup>181</sup> Ibid.

<sup>182</sup> Author interview with Justice Fofana, Justice of the High Court of Sierra Leone, 10 March 2009.



District Council reports and chiefdom bye-laws.<sup>183</sup> The restatement is thus a ‘systematic description of all laws of various tribes as they exist in an approved, simplified and coherent manner.’<sup>184</sup> The JSDP estimates that restatement within each District will take approximately six months (despite the fact that the Moyamba pilot project took nearly double this time).<sup>185</sup> They aim to have several teams working on restatements in different Districts at one time, so as to complete the process before the JSDP’s 2011 pull-out date. Once the restatements are completed, unification will be undertaken, attempting to harmonise the laws through legal integration. Where contradictions in laws arise, a determination of the ‘greatest good for the greatest number’ will be used to resolve discrepancies.<sup>186</sup> Some locally specific regulations that do not contradict the codified version of customary law will be maintained in chiefdom bye-laws, applying only to a specific chiefdom, however overwhelmingly customary law will become general in nature.<sup>187</sup> This utilitarian argument glosses over many fundamental discrepancies in customary law across Sierra Leone, and suggests that resolution will be straightforward and devoid of politics. For example, customary law in the predominantly Islamic Northern province of Sierra Leone does not allow women to be elected as chiefs, whereas this is permissible in the more Christian South. Changing the laws either way in those regions will not only be a question of law, but an affront to culture. Choosing one of these cultures to be imposed upon the other does not seem an effective way of alleviating grievances over injustices. This example is suggestive of the overly theoretical and formalised approach taken to codification that abstracts potential challenges from their political, cultural and historical context by applying utilitarian and universalising logics.

Finally, the unified statement of customary law across Sierra Leone will be enacted into legislation. That is, it will become codified and thus prescriptive and legally binding on all Local Courts across the country.<sup>188</sup> Application of laws outside of or contradictory to this code will be illegal. With a general and prescriptive customary legal code in place, Sierra Leoneans will be able to know the legal implications of their actions before they perform them, and Local Courts will be limited in their ability to make arbitrary or unfair judgments. These changes are intended to ensure a more amenable justice system for the 70-80 per cent

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<sup>183</sup> Ibid.

<sup>184</sup> Ibid.

<sup>185</sup> Author interview with John Magbity, Primary Justice Manager, Justice Sector Development Programme, 8 April 2009.

<sup>186</sup> Author interview with Justice Fofana, Justice of the High Court of Sierra Leone, 10 March 2009.

<sup>187</sup> Author interview with John Magbity, Primary Justice Manager, Justice Sector Development Programme, 8 April 2009.

<sup>188</sup> Author interview with Justice Fofana, Justice of the High Court of Sierra Leone, 10 March 2009.

of Sierra Leoneans who rely upon informal or primary justice mechanisms, and provide more effective non-violent avenues for conflict resolution.

### **Local Court Reform**

As the only *legal* informal administrator of customary law in Sierra Leone, the Local Courts represent potentially the most promising judicial institution in the country.<sup>189</sup> As Alterman and others explain:

The local court has more potential for transparency than any other legal mechanism in Sierra Leone. Its adjudications are open to the public, its rulings are generally recorded, and the customary procedure and law is familiar and accessible to the public. The local court seems to be the most accepted and best understood ... legal institution in the provinces. It can therefore be strategically the single most important element of reform.<sup>190</sup>

Yet despite such potential, a 2007 perception survey of these Courts revealed that 80 per cent of respondents agreed that there were barriers to accessing Local Courts, 50 per cent of respondents felt that Local Court officials had unfavourable attitudes, and only 26.8 per cent believed that the Local Courts Act bound Court procedures.<sup>191</sup> As the most popular *legal* channel for resolving disputes (chiefs remain the more utilised institution but are legally not allowed to act in a judicial capacity), the Local Courts were pinpointed by the JSDP as a key target for reform if the injustices of the past were to be ended. These injustices included fabrication of offences, excessive penalties and punishments which often forced subjugated groups to forgo personal opportunities (such as education, marriage or independent businesses) or even to leave the chiefdom. In recognition of the role that such injustices played in instigating civil war, the JSDP has attempted to reform the Local Courts to ensure that they contribute to substantive justice and peace, rather than injustice and conflict.

Reform of the Local Courts has been extensive and, given the dire situation in which Sierra Leone's legal system was in at the end of the war, had to start from the basics. The last time that training was provided to Local Court staff was in the early 1980s.<sup>192</sup> Thus, training has been a key aspect of Court reform. Given the tense relationship between youths and the customary justice system, and the role that this played in triggering conflict, efforts have been made to improve communication between the two parties. In the JSDP's pilot district of

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<sup>189</sup> Alterman et al, "The Law People See," 4.

<sup>190</sup> Ibid, 21.

<sup>191</sup> Koroma, "Local Courts Record Analysis Survey in Sierra Leone."

<sup>192</sup> Author interview with Peter Viner, Coordinator, Justice Sector Development Programme, 27 February 2009.

Moyamba efforts have been underway to sensitise Local Court staff to youth rights issues, as well as more broadly to jurisdictional limits and independence.<sup>193</sup> Reports following up these projects attest that ‘JSDP’s work with local courts had resulted in these courts levying more appropriate fines.’<sup>194</sup> Further to this, Castillejo notes:

The Moyamba Youth Movement reported that ... [sensitisation on youth rights] has resulted in improvements in the relationship between young people and police and that young people are now more willing to take disputes to local courts, rather than seeking to resolve them through violence, as they are receiving fairer hearings and verdicts from the local courts.’<sup>195</sup>

There have also been efforts since late-2009 to train chiefdom police. The lack of engagement with informal policing providers in DFID’s policing reform programme might thus be being turned around within the JSDP. While this would be a fascinating project to investigate given the focus on this thesis, it is still in its early stages, with training of 88 officers only completed in the pilot Moyamba district in May 2010, a year after fieldwork was conducted for this project.<sup>196</sup>

The primary focus of Local Court reforms has been placed on amending the Local Courts Act (1963). A new Bill, still in its drafting stages as of early 2010, aims to give more power to the judiciary and put a check on the influence of chiefs and elders within the Court process.<sup>197</sup> The Bill places the power to elect Local Court Chairmen with the judiciary, rather than a government official. By so doing, the Bill reinforces the independence of the judiciary as the best placed body for ensuring due process within the justice system, both formal and customary. In placing the Local Courts under the supervision of the judiciary (rather than the Ministry of Internal Affairs), the Local Courts Bill also links the formal and customary legal systems in an unprecedented manner, ‘enabling closer supervision, and hopefully strengthening the emphasis on judicial standards and human and constitutional rights in the local courts.’<sup>198</sup> This closer proximity between the two legal systems aims to overcome the justice divide between rural and urban Sierra Leone by harmonising the formal and informal.

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<sup>193</sup> Castillejo, “Building Accountable Justice in Sierra Leone,” 10.

<sup>194</sup> Ibid, 5.

<sup>195</sup> Ibid, 9.

<sup>196</sup> Awareness Times, “Press Release: JSDP, MOJ and MIALGRD Conduct Chiefdom Police Training in Moyamba District,” 25 May, 2010, [http://news.sl/drwebsite/public/printer\\_200515454.shtml](http://news.sl/drwebsite/public/printer_200515454.shtml), accessed 21 July, 2010.

<sup>197</sup> Author interview with Peter Viner, Coordinator, Justice Sector Development Programme, 27 February 2009.

<sup>198</sup> Castillejo, “Building Accountable Justice in Sierra Leone,” 14.

Engagement with the customary justice system has thus been relatively far-reaching. Whilst reforms of the formal legal system still predominate, the JSDP reforms have been the most impressive within the DFID-led SSR programme in Sierra Leone in engaging with informal processes which comprise the most used systems within the country, and also house some of the key failures that led to conflict. Yet despite DFID's impressive efforts within the justice sector, the programme remains lesser known in comparison with its police and armed forces reform programme counterparts. A Summary Report of a DFID Evaluation of programmes between 2002 and 2007 makes little mention of the JSDP or Law Development Programme, mentioning justice only in passing, to state that, '[a]ccess to justice for the poor has not improved significantly but strategies and systems are being developed that should address this over time.'<sup>199</sup> Given the status that SSR in Sierra Leone holds as a successful programme from which projects can be extracted for application in other theatres, it is important that the right lessons are being learned, and the best projects chosen for replication in other contexts. The importance of informal actors has been witnessed in theatres outside of Sierra Leone, in places as diverse as Afghanistan, Timor-Leste and the Democratic Republic of the Congo.<sup>200</sup> Given this shared reality and the challenges it has posed in each of these environments, a reform project such as the JSDP, which has gone to the greatest lengths of DFID's SSR projects in Sierra Leone to engage the informal, should be high on the list of transferable projects. Yet while the JSDP has been impressive in its unprecedented engagement with the informal, challenges inevitably remain from which important lessons can be learned.

### **Judging Primary Justice Reforms**

DFID's JSDP reform efforts, whilst uniquely engaging outside of just the formal judiciary, are limited by the manner in which they have understood informal justice actors and sought to engage them. In assessing their reforms, four key observations are made. First, the JSDP has dealt with informal justice in an abstract and overly formal manner, attempting to formalise informal practices which by their nature defy such attempts. Second, formalisation attempts risk pushing people towards a greater reliance upon informal actors not being targeted for reform, such as chiefs and secret societies, thus limiting the effectiveness of the reforms made

<sup>199</sup> DFID, "Evaluation of DFID Country Programmes: Sierra Leone," EVSUM EV690, September 2008, <http://www.dfid.gov.uk/Documents/publications/evaluation/ev690s.pdf>, accessed 8 December, 2009.

<sup>200</sup> Gordon Peake, Eric Scheye and Alice Hills eds., *Managing Insecurity: Field Experiences of Security Sector Reform* (London: Routledge, 2007); Mark Sedra, "Security Sector Reform in Afghanistan: An Instrument of the State-Building Project," in *Fragile States and Insecure People? Violence, Security and Statehood in the Twenty-First Century*, eds. Louise Andersen, Bjørn Møller and Finn Stepputat (New York, NY: Palgrave Macmillan, 2007).

to the Local Courts. Third and following on from this, DFID's JSDP has operated with a selective definition of the informal that includes only legal informal actors, and not the more utilised illegal informal actors. Finally, the JSDP has also been unable, thus far, to transfer the level of detail of its knowledge in policy and amongst staff into projects on the ground. The terms of its engagement with the informal therefore detract from what is otherwise a laudable and unique attempt by DFID to address failures beyond the state security apparatus. It seems that while the JSDP has recognised the important role played by informal justice actors, its engagements try to incorporate the informal into the framework of the formal justice system. The dangers of such endeavours will be examined in more detail here, in an attempt to improve the efforts of the JSDP thus far and to contribute more broadly to the ability of SSR programmes to address failures within customary practices.

### *Problems of formalisation*

The abstract and formal approach the JSDP takes to its reforms does not appear to be cognisant of the disjuncture between formalised rules and actual practices that has dominated the history of customary justice in Sierra Leone. Stephen Ellis and Gerrie Ter Haar highlight the longevity of this disjuncture:

Colonial officials were in practice often frustrated to find that people in villages persisted in doing things in ways that did not accord with the monographs on ethnic tradition that were being printed on the basis of expert research, and that chiefs often did not apply the customary laws that had been identified. Rather, chiefs and others were constantly updating custom in light of new circumstances. Even in postcolonial Africa, the same process continues, as officials of some central governments continue to uphold a bureaucratic notion of proper customary law that differs from what people actually do, or what might be called "living" law.<sup>201</sup>

Several more contemporary examples of incongruence between rules and practice in customary justice in Sierra Leone demonstrate this point. Both the JSDP's codification and Local Court reform projects fall prey to this concern. The JSDP's codification process takes a highly abstract, theoretical and top-down approach to resolving the interaction of various laws in Sierra Leone. Their codification methodology is rooted in how these laws *should*, according to legal rationalism and utilitarian concepts of 'the greatest good for the greatest number' be harmonised.<sup>202</sup> Responding to questions about how a unified and generally

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<sup>201</sup> Stephen Ellis and Gerrie Ter Haar, *Worlds of Power: Religious thought and political practice in Africa* (London: Hurst & Co., 2004), 145.

<sup>202</sup> Author interview with Justice Fofana, Justice of the High Court of Sierra Leone, 10 March 2009.

applicable customary code would be enforced, interviewees belied a dogmatic belief in the power of legislation – Local Courts would enforce the new code because the new code would be the law.<sup>203</sup> This does not bear a great deal of correlation to how Local Courts have in fact been practicing to date. This abstract and formalised approach to codification means that the process is highly ambitious and idealistic, with little consideration of the tactile problems of enforcing adherence to legislation *in practice*.

JSDP attempts to amend the Local Courts Act (1963) with a new Bill also suffer from the same misapprehension of the relationship between theory (in this case, legal codes) and practice (the manner in which Local Courts, in fact, act). For instance, one of the aims of the new Bill is to unite the customary and formal legal systems in order to strengthen judicial independence and thus the separation of powers. However, it should be noted that the formal and customary systems were in fact linked under the 1963 Act, through the appeals process (people could appeal a Local Court decision to the Magistrate's Court and further up the formal Court hierarchy). However, this link was rarely played out in practice, with appeals from the Local Court usually going to the District Officer or one of the three customary law officers in provincial Sierra Leone (and even this was very rare).<sup>204</sup> In part, of course, this was due to financial limitations of accessing the Magistrates' and other formal courts. However, there was also a sense of alienation from the formal justice system, and a preference for the customary which was known, understood and identified with.<sup>205</sup> As Tiébilé Dramé notes, '[i]t is no exaggeration to say that the average African identifies neither with the judicial system nor with the other modern institutions inherited from colonialism. It is as if the state and the social and cultural environment in which most of the population exist are incompatible.'<sup>206</sup> It is thus unlikely that another piece of legislation linking the two justice systems will forge a closer relationship in practice. Rather, the *practice* of an integrated legal system is what needs to be fostered, with, for instance, people from the provinces being familiarised with the formal court system and the manner in which the two justice systems interact (not only through the rule-based operation of courts set out in legislation, but through assisted visits to courts, to see where they are, how they operate and who does what). Various impediments to building such a relationship in practice exist, such as the geographical and financial barriers to travelling to formal courts, the legal formalism ('legalese') adopted in the formal courts and the use of

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<sup>203</sup> Ibid.

<sup>204</sup> Alterman et al, "The Law People See," 16; 17.

<sup>205</sup> Ibid, 7; Jensen, "Justice and the Rule of Law," 136.

<sup>206</sup> Tiébilé Dramé, "The Crisis of the State," in *Africa Now*, 203.

English as the language of operation, which automatically excludes many people from the provinces, who often do not speak English. It is changes to remove these impediments, more than amendments to legislation that will bring the customary and formal legal systems closer together in practice.

Another example of the gap between formal legislation and legal practice can be found in the example of the Customary Law Officers. The Local Courts have, since 1963, been supervised by the Customary Law Division of the Law Officers Department, consisting of Customary Law Officers (of which 3 are allocated to the provinces).<sup>207</sup> These Officers are intended to:

advise the local courts in matters of law and organisation, and educate and train local courts staff on the extent of the jurisdiction of the courts, how to distinguish civil from criminal matters, the possible conflict of interest when cases are tried, proper court procedures and court administration.<sup>208</sup>

Customary Law Officers also possess powers of review of Local Court decisions (alongside the abovementioned right of appeal to the formal courts).<sup>209</sup> Yet despite these efforts to regulate and supervise the Local Courts, they remain efforts on paper, encapsulated in the often ignored Local Courts Act. These stipulations do not reflect the practice of the Local Courts, whose decisions have rarely been the subject of oversight or appeal.

A final illustrative example can be found in the removal of judicial powers from chiefs in 1963, whereupon this power was bestowed upon the judiciary.<sup>210</sup> Yet, to this day, many chiefs are unaware of this law, or choose to flout it, and continue to exercise judicial power.<sup>211</sup> Most Sierra Leoneans also believe that such power is legal.<sup>212</sup> By law, chiefs actually wield incredibly limited powers but this is not reflected in practice, studies of which suggest that provincial Sierra Leoneans use the conflict resolution mechanisms of chiefs more frequently than any other forum.<sup>213</sup>

The above examples of the disconnect between formal laws and practice in Sierra Leone

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<sup>207</sup> African Human Security Initiative, "Sierra Leone: A country review of crime and criminal justice, 2008," ISS Monograph 160, May 2009, 109.

<sup>208</sup> Ibid.

<sup>209</sup> Ibid.

<sup>210</sup> Ibid.

<sup>211</sup> Ibid.

<sup>212</sup> Ibid.

<sup>213</sup> Koroma, "Local Courts Record Analysis Survey in Sierra Leone," 6; Sierra Leone Court Monitoring Programme, "Customary Law Users Guide."

suggest that there is little reason to expect that further formal reforms to the legal code or constitution will be meaningful for how the Courts in fact function. This misplaced belief of judicial reformers is explained by Guido de Ruggiero:

The love of rationalistic simplification ... leads people to think that in the mere technicalities of the law they possess the means and the power to effect unlimited changes ... [Such an illusion is] cherished by lawyers who imagine that, by drafting new constitutions and laws they can begin the work of history all over again, and know nothing of the force of traditions, habits, associations and institutions.<sup>214</sup>

Reforms need to engage with practical regulation, rather than words on paper written in Freetown in a language most of the population cannot understand. Whilst, at law, formal English law overrides customary, and thus reformers may believe legislative changes will ‘trickle down’, one would be mistaken to think that this hierarchy plays out in practice.<sup>215</sup>

In part, the failure to carry out in practice what is formally law on paper is due to understaffing, resource shortages and lack of training, all of which create inefficiencies and backlogs. Thus, reformers might console themselves in thinking that formal laws will take hold once capacity improves. However, neglect of formal laws may well have roots in more than just capacity and resource scarcities. There is a sense in which the bureaucracy of Freetown, with its formal legislation, is distant more than merely geographically from provincial practices.<sup>216</sup> The hinterland separating Freetown from the provinces also represents a divide in lifestyle, culture and authority structures that reformers must understand if they hope to alter practices in the provinces. Whereas the rule of law in Freetown is derived from an (increasingly) independent judiciary and ‘modern’ policing functions of the SLP, the provinces have conventionally derived order from more localised, customary authority structures, such as chiefs, elders and secret societies. As Alterman and others discerned in their own field research in Sierra Leone:

Customary law encompasses a crucial dimension of the people’s identity and sense of community belonging. Customary law is perceived as a link between the past where the law has been minted by ancestors. Thus, obedience to the law is validation of belonging. The people adhere to customary law more loyally than to common law, which is often poorly known and perceived as “coming from Freetown”.<sup>217</sup>

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<sup>214</sup> Quoted in Jensen, “Justice and the Rule of Law,” 119.

<sup>215</sup> Jensen, “Justice and the Rule of Law,” 119.

<sup>216</sup> Dale, “Access to Justice in Sierra Leone,” 8.

<sup>217</sup> Alterman et al, “The Law People See,” 10.



Efforts to regulate behaviour in provincial Sierra Leone through formal laws might not be as binding as reformers hope, because other laws also exist, the arbiters of which enjoy greater allegiance than the central government. Similar problems are encountered in attempting to create a formalised and generally applicable version of customary law for the provinces. Citizenship in provincial Sierra Leone is chiefdom-specific, with individuals becoming ‘strangers’ when they leave their original chiefdoms. Key aspects that differentiate chiefdoms from one another are the rules and customs that apply within their boundaries. Attempts to apply a generally applicable, formalised version of customary law would mask these important, identity-enforcing differences in rules and customs that make each chiefdom unique and bestow a chiefdom-specific identity. The challenges that provincial identity constructions pose to formal law and to formalised versions of customary law need to be considered by reformers in greater depth. Without doing so, reforms risk being either of limited effectiveness or disruptive to identity formation and inter-chiefdom relations.

Attempting to improve justice reform efforts, Erik Jensen suggests that laws are ultimately most powerful and effective when they are broadly compatible with previously existing practices.<sup>218</sup> He suggests that it is these existing practices which are most ‘thickly’ (and thus most easily) enforced – not merely through ‘thin’ legislation, but also through custom and convention.<sup>219</sup> Jensen explains in more detail:

Law (or rules) is just one potential mechanism by which behaviour is ordered, and often not the most robust mechanism, especially in postconflict situations. Custom and convention play predominant roles in ordering behaviour, even in rule-based societies, and an overwhelming role in statebuilding contexts where formal institutions are often weak.<sup>220</sup>

Promoting change through alterations to the law is a top-down and ‘thin’ approach to change. It expects behaviours to alter on the basis of decree. Yet unless such decrees are embedded in a ‘thick’ understanding of the practices of the community they wish to change, they will remain superficial and most likely be ignored by those they attempt to regulate (short of strict enforcement, which is not feasible with limited police resources in rural Sierra Leone). Furthermore, even the threat of enforcement has its limitations. As Max Weber points out, ‘legal coercion ... where it opposes custom, frequently fails in the attempt to influence actual conduct ... Only a limited measure of success can be attained through the threat of coercion

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<sup>218</sup> Jensen, “Justice and the Rule of Law,” 136.

<sup>219</sup> Ibid.

<sup>220</sup> Ibid, 121.

supporting the legal order.’<sup>221</sup> In other words, the potential for the law to transform practices is limited. While the JSDP’s codification at one level seems aware of this, only the restatement component of the process reflects this. Unification and codification, rather, seek to determine best practice across all practices, and then apply this generally across communities with vastly different histories of practice. Work within the codification project needs to focus on building towards consensus across communities, rather than blithely hoping that the strength of law will overcome longstanding practice, despite little history of this being the case. Recognising that the interaction of the formal rules with actual practice is not as straightforward as donors’ models of change would suggest is key to enhancing their ability to promote long-term transformations.

Reform efforts that focus on amending legislation that is already virtually defunct holds little promise of promoting change *in practice*. Rather, reform efforts, such as those of the JSDP’s, need to engage more directly with *practice* in the provinces and ensure that legislation drawn up in Freetown reflects what is practicable there, rather than vice versa. This is not to suggest that law reform programmes should merely codify into law practices as they already occur. Clearly this approach would allow for very little change. However, legislation passed must relate to feasible practices and realistic changes given the context one is operating in. While reformers might ideally want to support a law banning female circumcision such a dramatic change will most likely not resonate with (and thus not likely alter) practices. More realistic legislation might require consent of the woman, or a sanitised environment in which the practice be carried out. This may mean more meagre progress towards DFID’s ideal version of the rule of law. Yet incremental changes that have greater resonance with actual practices will ultimately be more meaningful and sustainable after British reformers return home.

### *The ‘informal informal’?*

The JSDP’s efforts to formalise primary justice in Sierra Leone also risk discouraging users from the Local Courts and pushing them to rely, instead, on other unreformed informal justice providers. As Simeon Koroma, Director of TIMAP for Justice (a Sierra Leonean NGO that trains paralegals) interestingly points out, *even if* reformers’ attempts to formalise and modernise the customary legal system *were* successful, that is, if the Local Courts *did* implement the reformed Local Courts Act and codified version of customary law, this would

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<sup>221</sup> Max Weber, *Economy and Society*, vol. I, eds. Guenther Roth and Claus Wittich (Berkeley: University of California Press, 1978), 320; 334.

not ensure that people would continue to use this form of the customary legal system. Rather people may cease to use the Local Courts and instead take their disputes to chiefs and secret societies, who will continue to arbitrate on the basis of localised customary law and thus continue to provide the important identity link to culture, custom and ancestry. Again, this point emphasises the proximity of customary law to the people of the provinces, whose identities are linked to their ancestors by custom, and thus also to custom by their ancestors.<sup>222</sup> The danger of this scenario is that chiefs and secret societies are often derided for providing even more arbitrary justice than the Local Courts.<sup>223</sup> As Koroma suggests, ‘if we formalise the informal system, people will go down to the informal informal system.’<sup>224</sup> That is, those informal justice actors existing outside the legal realm which the JSDP is engaging with. Koroma’s view suggests a fundamental relationship between provincial Sierra Leoneans and their customary justice systems that does not necessarily lend itself to formalisation. That is, while local customs and Sierra Leonean communities are themselves constantly changing, they are not necessarily moving towards codified legislation, which the JSDP seems to view as crucial to modernising customary justice. Thus, if the Local Court system is forced down this route, there is a danger that rather than modernising the justice that provincial Sierra Leoneans rely upon, it will merely lead to such people relying upon customary justice as applied by alternative informal sources. Such a scenario suggests there is a potential danger that modernisation and customary law might be perceived as incompatible by customary law users. Koroma went on to suggest, for instance, that ‘you can never make an informal system formal. There can only be a meeting point, and that point of balance needs to be struck.’<sup>225</sup> Perhaps the very informal nature of customary justice makes it accessible and preferred by those in the provinces. No amount of formalisation will ever be able to account for all informal behaviour - theory cannot account for all practices.<sup>226</sup> This being the case, some practices might be popular or important precisely *because they lack* formalisation. If this is the case, then the manner of JSDP’s engagement with customary justice needs to be fundamentally reconsidered.

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<sup>222</sup> Author interview with Simeon Koroma, Director, TIMAP for Justice, 12 March 2009.

<sup>223</sup> Ibid.

<sup>224</sup> Ibid.

<sup>225</sup> Ibid.

<sup>226</sup> Vincent Pouliot, “The Logic of Practicality: A Theory of Practice of Security Communities,” *International Organisation* 62 (Spring 2008): 258; 262; Stephen Toulmin, *Cosmopolis: The Hidden Agenda of Modernity* (Chicago IL: Chicago University Press, 1990), 200; James C. Scott, *Seeing Like a State* (New Haven, CT: Yale University Press, 1998), 6.

### *Who is 'the informal'?*

The concern regarding the 'informal informal' also raises the issue of DFID's definition of the informal as an important consideration that impacts upon the JSDP's primary justice engagements. While DFID policy documents regarding justice recognise the predominant roles played by chiefs, elders and secret societies within customary justice practices, the JSDP's engagement with these actors has been minimal. Rather, the JSDP has sought to engage with the Local Courts, who represent the only *legal* informal adjudicators of customary law (according to the Local Courts Act (1963) and the Constitution of Sierra Leone). Outside of the Local Courts, the illegal informal adjudicators – predominantly chiefs, elders and secret societies, continue to arbitrate without interference from the JSDP. This is despite these illegal adjudicators being the most used conflict resolution channel in the country. As Alterman, and others note:

While customary law is most institutionalised in the form of local courts, the public tends to consider the chief's audience the initial formal forum of customary law adjudication. Even where local courts are accessible and operational, the people turn to the chief in their disputes when their informal mediations or arbitrations in auxiliary social groups fail. This is true even though district officers and Freetown officials speak against the practice and official government laws to not recognise chief's adjudications.<sup>227</sup>

Under the Local Courts Act chiefs had all but their most minimal judicial powers stripped and passed on to the Local Courts. Within Freetown and the judiciary, there is opposition to chiefly adjudications and the arbitrariness they are perceived to be based upon.<sup>228</sup> Yet, as Alterman and others go on to note:

people and chiefs rally behind chief adjudications. Such popular support may cause any attempts to circumvent this mechanism to fail. While the chief does not necessarily guarantee a fair and objective adjudication, he is honoured as the head of the community, knowledgeable of the community ways, customary law, and tribal justice.<sup>229</sup>

In interviews with JSDP staff, illegal customary justice was a sensitive issue that was not talked about in great detail. The new Local Courts Bill that seeks to reform the Local Courts Act does not mention the adjudications carried out by illegal customary justice providers.<sup>230</sup> These primary justice providers however clearly represent a challenge to the JSDP's reform

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<sup>227</sup> Alterman et al, "The Law People See," 23-24.

<sup>228</sup> Ibid, 29.

<sup>229</sup> Ibid.

<sup>230</sup> Author interview with John Magbity, Primary Justice Manager, Justice Sector Development Programme, 8 April 2009.

efforts. While this chapter applauds the JSDP's unprecedented engagement with informal justice actors, this is clearly limited by their willingness to engage with only *some* of these actors, to the exclusion of those most utilised. The JSDP is faced with two options in this regard. They may seek to engage with the full gambit of informal actors and risk being seen to be supporting an illegal and arbitrary justice system; or they may focus their efforts on improving legal customary channels in the hope that improved service will deter people from using the illegal customary channels. Yet the latter approach, which the JSDP seems to have opted for, also risks alienating reform efforts from the actual manner in which justice in Sierra Leone is practiced. The JSDP *might* be able to attract users who would otherwise have relied upon the chiefs and secret societies, but it might also merely create a thin upper layer to the Sierra Leone justice system that operates in an effective manner for the minority of people who rely upon it. Cracking that surface is risky, but potentially crucial in ensuring sustained reforms of the justice system that will provide substantive justice to its users. Furthermore, whilst engaging with both legal and illegal informal actors may be perceived to be supporting an arbitrary justice system, it is arguably these very arbitrary systems that are most in need of reform. DFID policing and justice consultant, Piet Biesheuvel, notes the need to engage with some unappealing characters in both the formal and informal settings:

There has been this debate, not just in DFID ... about whether you should engage with these bad people or not ... Do you say "we can't possibly have anything to do with it", or do you try and engage and change? I mean, it is the same debate ... about police reform. I mean a lot of the police services worldwide are pretty foul regimes but if you never engage with them, you are not going to be able to change them are you? So I think engagement is absolutely right ... I don't pretend ... [the customary system] is perfect. It's far from it ... But I don't think that should stop us from engaging with it – in fact exactly the opposite.<sup>231</sup>

The entire SSR process is predicated on engaging with less than desirable security actors in order to reform them. The illegal informal, in this sense, is no different from formal security forces also in need of reform.

Resistance to engaging with informal justice actors is not, however, solely a problem on the part of DFID. Interviews revealed that resistance to engaging even with the Local Courts was strong on the part of the Government of Sierra Leone.<sup>232</sup> Such resistance is suggestive of the historic divide between Freetown and the indigenous inhabitants of the provinces. Freetonians, particularly the dominant *krio* settler population, consider the provinces

<sup>231</sup> Author interview with Piet Biesheuvel, Libra Advisory Group (SSR consultants to DFID), 17 October 2008.

<sup>232</sup> Author interview with Peter Viner, Coordinator, Justice Sector Development Programme, 27 February 2009.

‘traditional’ or backward and resistant to the benefits of modernisation.<sup>233</sup> Historically there has been, at times, a sense of embarrassment on the part of the urban *krio* population that their country should encourage reliance upon what they perceive to be distinctly un-modern justice or governance systems.<sup>234</sup> Thus engagement with illegal informal actors might require bridge building within Sierra Leonean society, as much as a shift in thinking on DFID’s part.

*Transferring knowledge to practice: Putting primary justice in perspective*

The final challenge for DFID’s JSDP relates to the disjuncture between DFID’s knowledge and reform practices. There is ample evidence in policy documents and in talking with DFID and JSDP staff of their awareness of the importance of engaging customary or informal justice. For instance, DFID policy notes that their:

policy on safety, security and access to justice (SSAJ) recognises the importance of traditional and informal systems as complements to formal state systems ... In general, actions should aim to identify and build on the strengths of the systems and address those aspects that have a negative effect on poor people’s safety and access to justice.<sup>235</sup>

Yet in spite of recognition of the importance of engaging informal justice systems, action on this front has been comparatively limited. Despite the JSDP’s claim to focus overwhelmingly on justice for the poor and marginalised, there is just one Primary Justice Manager with responsibility for the customary justice system alongside three other component managers with areas of responsibility in the formal justice realm.<sup>236</sup> As mentioned above, JSDP engagement with customary justice is limited to the Local Courts, excluding key customary justice providers. As Castillejo points out, JSDP:

strategy actually focuses far more on reform of the formal system than the customary system, and the majority of customary justice personnel and chiefs interviewed during this research were unaware of the strategy’s existence, despite apparently being its main targets. Moreover, the vast majority of donor support to the justice sector is focused on formal institutions, with only the JSDP pilot in Moyamba doing any significant work with customary institutions. This gap between the recognition of the importance of the customary sector and the limited plans to address it highlights the challenges of working with customary justice institutions, and the importance of finding new ways to do this.<sup>237</sup>

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<sup>233</sup> Gershon Collier, *Sierra Leone: Experiment in Democracy in an African Nation* (London: University of London Press, 1970), 55; J. Peter Pham, *The Sierra Leone Tragedy: History and Global Dimensions* (New York: Nova Science Publishers, 2006).

<sup>234</sup> Ibid.

<sup>235</sup> DFID, “Non-state Justice and Security Systems,” 1; 3.

<sup>236</sup> Author interview with Peter Viner, Coordinator, Justice Sector Development Programme, 27 February 2009.

<sup>237</sup> Castillejo, “Building Accountable Justice in Sierra Leone,” 20.

The gap between DFID's knowledge of the need for engagement with customary law institutions and its practice of doing so on the ground also extends to particular project areas. For instance, the perils of codification have been acknowledged in DFID policy:

Governments may request help with writing down customary law. Past experience with restatement and other codification projects suggests that there is a danger that law will become "frozen" and that judges and lawyers will start formally applying customary law without taking into account the particular context. It is more useful to work with multidisciplinary teams, including anthropologists, to understand the norms and principles of non-state systems and assess options for collaborating between state and non-state systems.<sup>238</sup>

Despite this acknowledgement, the JSDP's codification project does not reflect this broad anthropological approach. Understanding at the policy level even goes as far as recognising the limitations of formal laws in ordering behaviour:

The formal accountability of public officials is defined by statutory law and regulations. However, social norms and relations influence how formal accountability is actually exercised. At the local level, accountability can be channeled through informal, customary or traditional norms and mechanisms, often a more influential source of local standard-setting and dispute resolution than formal systems.<sup>239</sup>

Yet this knowledge does not appear to be transferred into programmes. Why is it that DFID appears to understand the importance of engaging with customary justice systems, and the difficulties posed by codification and formalised approaches to reform, but yet is not able to incorporate such knowledge in practice? The disconnect is summed up by Jensen:

Discourse on statebuilding and the rule of law tends to be schizophrenic. One moment, conversation is probing the customs and conventions of society, followed in the same breath by confidently suggesting technocratic and formalistic interventions to modify customs and conventions.<sup>240</sup>

There is no doubt that transforming societies through justice reform is a hugely complex and difficult task. There are no easy solutions, which is in part why the achievements that the JSDP *has* made are so impressive. Yet interesting and important questions remain about the inability to put into practice that which is so succinctly and incisively written in policy and understood by staff. In part these lapses have to do with bureaucratic inertia and the comfort zones of staff with experience in traditional programming. Jensen illustrates this point well:

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<sup>238</sup> DFID, "Non-state Justice and Security Systems," 14.

<sup>239</sup> DFID, "Justice and Accountability" (London: DFID, May 2008), 3.

<sup>240</sup> Jensen, "Justice and the Rule of Law," 137.

‘Institutional support to strengthen the rule of law mimics the drunk looking under the lamppost for his keys, not because he lost his keys there, but because that is where the light is.’<sup>241</sup> JSDP reformers might thus be aware that their programmes are not going to achieve the levels of accessible justice that they desire, but work in the realms they are familiar with. Yet if the JSDP hopes to fulfil its mandate of providing improved justice for poor, vulnerable and marginalised groups, they must engage with the broad spectrum of informal justice providers, who most Sierra Leoneans turn to. Furthermore, in doing so they must consider that formalising the informal may simply create other problems within the primary justice system.

## Conclusion

DFID’s justice reform programme has demonstrated a substantially broader engagement with informal security actors, boding well for the longevity of successes within this aspect of SSR. However, limitations remain. DFID has thus far engaged predominantly with only the legal informal justice institutions (the Local Courts), and not the illegal informal (chiefs, elders and secret societies), who remain the predominant providers of justice to the majority of rural Sierra Leone. This dividing line of engagement risks further marginalising this majority by failing to engage with their principal justice providers and thus not improving the quality of justice that they choose to, or are forced to, rely upon. Further, JSDP engagement with customary law has taken place in an overly formalised manner, focusing upon legislation and codification, rather than on the *practices* of the customary justice system. In so doing, the JSDP has not adequately considered the lack of correlation between formalised rules and practice in the history of Sierra Leone’s customary legal system. It thus remains dubious as to whether formalising rules and creating further legislation will have any impact upon the actual functioning of the customary justice system. Finally, while the JSDP has gone further than any other of DFID’s SSR programmes in engaging with the informal, policy continues to outstrip projects in this regard. In fact, the JSDP’s engagement with primary justice is a relatively small component of their overall programming. When looked upon in this way, the Programme’s achievements, while impressive, are also dwarfed in comparison to engagement with the formal justice system, which caters for approximately 20 per cent of the Sierra Leonean population.

The JSDP Coordinator suggested in interview that a minimum of ten years of justice reform

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<sup>241</sup> Ibid, 120.



programming would be necessary to create sustainable change in a *non-fragile* state. In a *fragile* state, such as Sierra Leone, this minimum amount increases to at least 15 years.<sup>242</sup> At the end of its programming, the JSDP will have been in Sierra Leone for just six years. The limitations of this time period are evident. Yet these limitations should not completely overshadow the importance of DFID's justice reform efforts. Castillejo has noted that '[d]onors do not usually provide extensive funding for the justice sector, and it has only received so much attention in Sierra Leone because of the role of poor justice in triggering the conflict and the recommendations of the Truth and Reconciliation Committee.'<sup>243</sup>

Her statement suggests that DFID has understood the role that injustice has played in causing the war. JSDP's limited engagement with the informal justice sector further suggests a budding recognition of the role that *informal* injustice played in causing the war. Its engagement also goes further than other reform programmes in recognising that isolating or criminalising informal institutions will not necessarily lead to their cessation, but rather that these practices need to be engaged and reformed themselves. Greater successes could be achieved if engagement went beyond the legal informal to also engage with the more utilised illegal informal justice actors, and if focus shifted from attempts to formalise and codify rules, to attempts to engage with actual practices of informal justice. Such alterations to the JSDP's primary justice projects would ensure that, for at least the final year of programming, reforms more directly address the causes of conflict and thus maximise the potential of DFID's justice reforms to provide both procedural and substantive justice outcomes.

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<sup>242</sup> Author interview with Peter Viner, Coordinator, Justice Sector Development Programme, 27 February 2009.

<sup>243</sup> Castillejo, "Building Accountable Justice in Sierra Leone," 21.

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## **Security sector reform by liberal, bureaucratic means?**

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The problematic set out in this thesis revolves around the overly state-centric approach DFID has adopted towards understanding the conflict in Sierra Leone and the resultant lack of engagement with informal security actors in its SSR programme. These informal actors have been highlighted as key to a more comprehensive understanding of the causes of conflict in Sierra Leone, as well as being central to the matrix of security provision. The case studies have yielded somewhat diverging results as to whether engagement has occurred in practice. In the case of police reform, negligible engagement with informal actors can be discerned, limiting the effectiveness of reforms to improve the predominant policing providers, thus hindering the sustainability of reforms. In the case of the Justice Sector Development Programme (JSDP), greater engagement was apparent at the level of primary justice, although this was limited to efforts to formalise legal informal justice actors.

This chapter seeks to explain the differences between the two case studies, as well as to address the larger question that the earlier chapters of the thesis point to: why has DFID been seemingly unable to engage with informal security actors? In answering this larger question, the chapter examines the bureaucratic and political aspects of DFID itself, revealing how a state-focused agenda within the organisation emerges to limit its programmatic engagements. This is shown to exist in tension with the experience of statehood in Sierra Leone and the relationship between state and informal systems throughout Africa. The contradiction of favouring state engagement over engagement with informal actors on the basis of human rights standards is also highlighted, before finally suggesting how DFID's bureaucratic and political limitations might impact upon its broader role in security-related development tasks. What, then, can the insights provided in the case studies tell us about DFID's ability to engage with informal actors and the impacts this has upon their SSR programme?

### **Explaining the divergence in case studies**

The empirical case studies suggest that DFID, in its earlier police reform programme, did not engage with informal actors, and thus it addressed only the state failure aspect of the causes of conflict, reforming only the formal, urban-centred policing providers. They were able, however, in later justice programmes and policy to incorporate at least some engagement with

these dominant security actors. Yet this engagement was limited both in its extent and the kinds of informal actors it involved. Perhaps the most obvious explanation for the different levels of engagement with informal actors in the two case studies is one of institutional learning. Given that DFID's police reform programme occurred in the early stages of their involvement in Sierra Leone and SSR, the programme could not benefit from lessons learned in the same way that the later Justice Sector Development Programme (JSDP) could. Rather, as DFID's involvement in-country continues, it is likely that it learns more about the Sierra Leonean context and the causes of the war. According to this logic, later programmes would therefore benefit from this accrued knowledge and at least have the potential to learn from earlier mistakes. This explanation is supported by the evolution within DFID policy documents, which suggest that an understanding of the importance of informal actors developed more fully over time.

It is also possible that the divergence in case studies is the result of different personalities leading the police and justice reform programmes. While the British Inspector General of the Sierra Leone Police, Keith Biddle, maintained that engagement with informal actors was 'a lot of woolly thinking',<sup>1</sup> the JSDP Programme Manager, Peter Viner, claimed that the JSDP was 'only too keen' to engage with informal justice actors.<sup>2</sup> Yet the relative consistency with which DFID's policy on justice sector reform has recognised the importance of engaging with informal actors (albeit in a limited manner), contrasted with the policy approach taken to the rest of the security sector, also suggests that the different treatment might be more systematic than personalities alone can explain. Therefore, while the divergence in findings between the two case studies might suggest a process of learning from previous programmes or personality difference in programme leaders, it might also hint at a double standard within DFID's concept of security itself across the policing and justice sectors.

The role of justice reform within SSR has not been without controversy.<sup>3</sup> While DFID maintains that justice is integral to sustainable security, the relationship between the two concepts remains blurred. For instance, at times justice reform is encapsulated within the broad catch-all category of SSR, while at other times the more inclusive term security and

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<sup>1</sup> Author interview with Keith Biddle, Inspector General of Sierra Leone Police and Head of Commonwealth Community Safety and Security Project, 13 September 2008.

<sup>2</sup> Author interview with Peter Viner, Coordinator, Justice Sector Development Programme, 27 February 2009.

<sup>3</sup> Author interview with Piet Biesheuvel, Libra Advisory Group (SSR consultants to DFID), 17 October 2008.

justice sector reform (SJSR) is used.<sup>4</sup> The tension between the two concepts is apparent in DFID policy. There are indications that despite incorporating justice reform under the heading of SSR, DFID continues to see the two fields as overlapping, but not integrated.<sup>5</sup> A 2007 Explanatory Note on Security and Access to Justice, produced by DFID notes that ‘[c]onceptually and institutionally, the security and justice sectors are closely connected, and overlapping, but are not identical.’<sup>6</sup> Drawing upon the notion of the separation of powers within Western political thought, DFID claims that this principle requires a strengthening of judicial independence away from the influence of the executive, as well as military, police and intelligence actors.<sup>7</sup> It should be reinforced, therefore, that these actors are not one and the same with the judiciary, but rather are subject to judicial oversight.<sup>8</sup> As a result, distance between the security and justice sectors is suggested. The document goes on to point out that the goals of security and justice are not always complementary and in particular that security threats may in some circumstances justify curtailments of individual rights – an act that is not necessarily in the interests of justice.<sup>9</sup> Thus, the understanding of the relationship between security and justice that DFID ultimately promotes appears to be one of ‘coherence’ and ‘coordination’, but not of integration.<sup>10</sup> The approach taken by DFID, at least in policy terms, seems therefore to recognise the importance of justice in attaining sustainable security, but does not see justice as *a part of* security. This is despite the fact that the human security approach (that DFID adopts as a security framework) explicitly encompasses justice issues and further, that injustices are largely accepted as having led to the grievances of the civil war and thus to insecurity.<sup>11</sup> This ‘important-but-apart’ approach was at times problematic on the ground. For instance, the police represent an institution that performs both justice and security functions. As a result, with the establishment of the JSDP, funding for the police was split between the JSDP and the ongoing SSR programme (SILSEP), whereby the former funded

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<sup>4</sup> Nicole Ball et al, “Security and Justice Sector Reform Programming in Africa,” Evaluation Working Paper 23 (London: DFID, April 2007); DFID, FCO and MoD, “Security Sector Reform Policy Brief” (London: DFID, FCO, MoD, November 2003), 3.

<sup>5</sup> Anthony C. Howlett-Bolton, “Aiming for Holistic Approaches to Justice Sector Development,” Paper No. 7, Working Paper Series, Security System Transformation in Sierra Leone, 1997-2007, October 2008, 5.

<sup>6</sup> DFID, “Explanatory Note on Security and Access to Justice for the Poor,” April 2007, <http://www.dfid.gov.uk/Documents/publications/security-access-justice.pdf>, accessed 9 December, 2009, 11.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid; Howlett-Bolton, “Aiming for Holistic Approaches to Justice Sector Development,” 5-6.

<sup>11</sup> Mary Kaldor, Mary Martin and Sabine Selchow, “Human Security: A new strategic narrative for Europe?,” *International Affairs* 83, no. 2 (March 2007): 279; Krijn Peters and Paul Richards, “Why we Fight: Voices of youth combatants in Sierra Leone,” *Africa* 68, no. 2 (1998): 183-208.

the justice aspects of policing, while the latter took on the funding of its security functions.<sup>12</sup> As Albrecht and Jackson conclude:

It became clear that having two separate programmes with separate funding within a single organisation was difficult to coordinate and almost impossible to manage coherently. In addition, it nurtured an impression in the MoD that the SLP had an “unfair advantage” in access to DFID funding, since, in effect, the SLP had two pools of funding. Equally, within the SLP, it was not very clear how, as it was by far the greatest beneficiary of CCSSP [Commonwealth Community Safety and Security Project], it should be part of JSDP, precisely because of the latter’s much broader focus.<sup>13</sup>

The splitting of security and justice functions has thus potentially stymied an integrated approach to SSR and DFID may need to further clarify the relationship between these two concepts.

This sense of justice being ‘sort-of-but-not-quite’ akin to security was also apparent in interviews. Speaking with Piet Biesheuvel, a DFID consultant on policing and justice, primary justice programmes were discussed, such as long-term education campaigns to raise awareness of human rights, which might not be upheld under customary law. As Biesheuvel noted, such programmes are certainly part of justice reform – in that they aim to improve the substantive justice provided by primary justice mechanisms. Yet it is not clear as to whether such long-term education campaigns can be conceived of as part of SSR. As Biesheuvel reasoned:

Is it security sector reform? Well *maybe* it is, but it certainly is justice reform, isn’t it? It’s ... a sub-set of SSR. We come back to the definition of the problem ... I don’t think it is SSR, although SSR gurus would say “well it’s a component part of it”, but nearly everything is a component part of SSR, frankly. I think it’s pure justice work.<sup>14</sup>

The explanation for DFID’s seemingly increased ability to engage with informal actors in relation to justice reform, as separate from policing reform, might be explained by important differences between security and justice, even if the precise differences are not easily articulated. If this is the case, then a distinction is being made by DFID between justice and the rest of the security sector about the centrality of the state to these functions.

Whereas police services, like armed forces, fit with conventional Western understandings of

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<sup>12</sup> Albrecht and Jackson, *Security System Transformation in Sierra Leone, 1997-2007* (Birmingham: Global Facilitation Network for Security Sector Reform, Birmingham University, 2009), 138-139.

<sup>13</sup> Ibid, 140.

<sup>14</sup> Author interview with Piet Biesheuvel, Libra Advisory Group (SSR consultants to DFID), 17 October 2008.

security that narrowly focus on the monopoly of force, the justice sector, despite possessing coercive powers (such as imposing fines and prison sentences) fits less comfortably within this strict security purview.<sup>15</sup> Because courts do not wield the ultimate coercive implements of physical violence, their status as part of the security sector is not as apparent as for sectors that do wield such force. In articulating one of the most significant definitions of the modern state, Max Weber emphasised two crucial characteristics: territoriality and violence.<sup>16</sup> David Held, explaining this model contends that '[t]he state's web of agencies and institutions finds its ultimate sanction in the claim of the monopoly of coercion, and a political order is only, in the last instance, vulnerable to crisis when this monopoly erodes.'<sup>17</sup> While Weber goes on to explain that, of course, other characteristics also inform the modern state, territoriality and a monopoly of violence are his preeminent conditions.<sup>18</sup> A more intrinsic relationship can therefore be seen to exist between the state and security forces wielding physical force than between the state and its other functions. Informal justice actors making arbitrary judgments, while hardly desirable, does not elicit the same panic or threat amongst the public and executive as the image of informal soldiers or police brandishing weapons. This is a particularly sensitive issue in Sierra Leone given its recent history of the RUF – perhaps a textbook example of the dangers of an armed informal group. Because the justice sector does *not* wield physical force, the legitimacy of non-state actors within this sector is, perhaps, more acceptable than in the case of the police. The reason for the variance in engagement with informal actors seen in the two case studies might, therefore, be explained by the tension within the very concept of security that underlies SSR.

As the concept of security has broadened, its boundaries with other concepts such as development and justice have become increasingly blurred. Thus, it is now possible to talk about 'security as development' (in relation to the security-development nexus), or 'security as justice' (in relation to rule of law reform), in the sense that both improved development and justice contribute to, or strengthen, security. These fuzzier notions of security are encapsulated in the very concept of human security that DFID employs.<sup>19</sup> Yet what precisely is implied by these broader understandings of security remains unclear. The increased

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<sup>15</sup> Heiner Hänggi, "Conceptualising Security Sector Reform and Reconstruction," in *Reform and Reconstruction of the Security Sector*, eds. Alan Bryden and Heiner Hänggi (Munster: Lit Verlag and DCAF, 2004), 3.

<sup>16</sup> Martin Weber, "Politics as a vocation," in *From Max Weber*, eds. H.H. Gerth and C.W. Mills (Oxford: Oxford University Press, 1972), 78.

<sup>17</sup> David Held, *Models of Democracy*, 3<sup>rd</sup> Ed. (Cambridge: Polity, 2006), 130.

<sup>18</sup> Weber, "Politics as a vocation."

<sup>19</sup> Kaldor, Martin and Selchow, "Human Security?," 278-290.

willingness of DFID reformers to engage with informal actors in justice reform programmes, as opposed to police reform programmes, suggests that ‘security as justice’ is importantly different from security itself. Such a difference is not necessarily a problem. However, the language of SSR and its attempts to address the constituent parts of the security apparatus as a coherent sector in a joined-up manner, disguises underlying differences that make engaging with informal actors problematic. The variance detected in DFID’s level of engagement with informal actors across reform programmes suggests a reappraisal might be needed of DFID’s efforts to fit a vast array of projects and approaches under the single banner of increasingly coordinated, coherent and joined-up SSR.

While it is important to explain the divergent findings of the case studies and what these suggest about DFID’s understanding of security, in both cases DFID’s engagement with informal security actors was not straightforward. Either, in the case of police reform, it did not occur, or, in the case of justice reform, it did only in a limited and problematic manner. Aside from looking to explain the slight variation in levels of engagement in each case study then, this chapter also seeks to explain the seeming difficulty that DFID has in engaging informal security actors across the board.

### **Explaining DFID’s lack of engagement with the informal**

Against the seeming incognisance DFID programmes have shown towards the informal, DFID staff and more recent policy documents seem acutely aware of the importance of informal actors and the roles they play in the lives of many Sierra Leoneans.<sup>20</sup> There has been a growing recognition in DFID’s policy documents (as well as those of other major donors and SSR actors) of the importance of acknowledging informal security actors.<sup>21</sup> This change is indicative of the significance of these actors in the SSR process. Yet despite this recognition, at least in the Sierra Leone case, transformation into practice has been limited. The policing and justice case studies examined in this thesis suggest that these new policy statements are more rhetoric than applied policy. It is one thing to recognise the importance of the informal in policy, but quite another to be capable of transforming this into practice. Homage to informal actors in DFID policy thus risks becoming a vacant concept with little

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<sup>20</sup> Author interviews with DFID Sierra Leone staff, February – April 2009.

<sup>21</sup> Finn Stepputat, Louise Andersen and Bjørn Møller, “Introduction: Security arrangements in fragile states,” in *Fragile States and Insecure People? Violence, Security and Statehood in the Twenty-First Century*, eds. Louise Andersen, Bjørn Møller and Finn Stepputat (New York, NY: Palgrave Macmillan, 2007), 14; DFID, “Non-state Justice and Security Systems,” Briefing Paper, May 2004, <http://www.gsdrc.org/docs/open/SSAJ101.PDF>, accessed 11 March, 2010.

practical meaning, rather than flagging concerted organisational attempts to recalibrate the manner in which they conduct SSR. Why this emerging disjuncture between policy and practice?

The seeming inability of DFID to engage with informal security actors in practice is not inexplicable. Rather, it belies an important observation of the organisation itself. DFID does not only or wholly overlook engagement with informal security actors because it lacks awareness, or understanding of their importance, as their later policy position and interviews with DFID staff attests. They are keenly aware of the challenges posed by informal actors within the Sierra Leonean context. All DFID staff interviewed demonstrated a nuanced understanding of such challenges. Mark White, DFID's former programme manager for the security sector reform and justice sector development programmes in Sierra Leone, and now Regional Conflict Advisor for West Africa, notes that 'there remains a clear gap between the policy and the practice ... as evidenced by the fact that 80 percent of the population in sub-Saharan Africa get their security and justice services from non-state actors.'<sup>22</sup> DFID is also not complacent about the importance of such actors but recognises the central role they play in Sierra Leonean life. More than most international organisations, DFID appears to regularly update and refine their engagement techniques to ensure they are relevant and meaningful.<sup>23</sup> Their lack of practical engagement, then, suggests something more intrinsic to the DFID machine itself. Partly the policy-practice disjuncture can be explained by bureaucratic inertia, whereby changes in practices lag behind 'eureka moments' at the policy level (not least due to funding cycles and project planning).<sup>24</sup> It can take some time for an idea to be developed, incorporated into programming, funded and equipped (with contracts for materials, say, requiring a lengthy tender process), staffed and finally implemented. But beyond this and more importantly, DFID's political, bureaucratic and statist nature also curtails their programmatic practices.

#### *DFID as a bureaucratic organisation*

While seemingly a mundane observation, an important starting point for understanding DFID's behaviour is to recognise that DFID is first and foremost a bureaucratic organisation,

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<sup>22</sup> Mark White, "Security and Development in Sierra Leone: DFID's Approach", in *Rescuing a Fragile State: Sierra Leone 2002-2008*, ed. Lansana Gberie (Waterloo, ON: Wilfred Laurier University Press, 2009), 110.

<sup>23</sup> Tanja Schümer, *The New Humanitarianism: Britain and Sierra Leone, 1997-2003* (London: Palgrave Macmillan, 2008), 142.

<sup>24</sup> Guy Peters, *The Politics of Bureaucracy*, 5<sup>th</sup> Ed. (London: Routledge, 2001), 225.



rooted in legal-rational processes. From this bureaucratic nature much can be discerned. As Michael Barnett and Martha Finnemore explain, organisations ‘are constituted as bureaucracies, and that bureaucratic character profoundly shapes the way they behave.’<sup>25</sup> Organisations like DFID exhibit bureaucratic decision making and administrative processes, which are rooted in particular values, most comprehensively set out in the work of Max Weber.<sup>26</sup> These bureaucratic processes are centred around impersonal, neutral rules enforced by experts.<sup>27</sup> Experts are hired solely on the basis of their capacity to do a specific job, and their loyalty is to the purpose of their office, not to a higher ranking person (as opposed, for instance, to patrimonialism where loyalty is to one’s patron and the hierarchy in which they stand).<sup>28</sup> This commitment to the office and the impersonality of the rules ensures, in principle, their rational, dispassionate and thus consistent application, which is in turn monitored by equally impersonal accountability structures.<sup>29</sup> Rules are based upon legal-rationalism and are general, abstract and universalisable. Their rationality derives from their ‘objectiveness’, which Weber defines as ‘the discharge of business according to calculable rules and “without regard for persons”.’<sup>30</sup> He goes on to suggest that his ideal type<sup>31</sup> of bureaucracy ‘develops more perfectly, the more it is “dehumanised”, the more completely it succeeds in eliminating from official business love, hatred, and all purely personal, irrational, and emotional elements which escape calculation.’<sup>32</sup> Weber proposed that an organisation with these bureaucratic attributes possessed a ‘technical superiority over any other form of organisation’, given its heightened efficiency.<sup>33</sup> This belief has been internalised (albeit imperfectly) by most large organisations operating in contemporary Western societies, and DFID is no exception. Bureaucratic politics are now ‘demanded by law as well as by “modern” conceptions of fairness and justice.’<sup>34</sup> In fact, law-enshrined bureaucracy was mentioned in interviews with DFID staff, particularly in relation to cumbersome procurement

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<sup>25</sup> Michael Barnett and Martha Finnemore, *Rules for the World* (Ithaca, NY: Cornell University Press, 2004), 16.

<sup>26</sup> Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, vol. III, ed. Guenther Roth and Claus Wittich (New York, NY: Bedminster Press, 1968).

<sup>27</sup> Ibid, 958; Peters, *The Politics of Bureaucracy*, 39.

<sup>28</sup> Weber, *Economy and Society*, vol. III, 959.

<sup>29</sup> Peters, *The Politics of Bureaucracy*, 39; Barnett and Finnemore, *Rules for the World*, 17-18.

<sup>30</sup> Weber, *Economy and Society*, vol. III, 975.

<sup>31</sup> ‘An ideal type (not to be confused with an ideal) is a theoretical construct, combining several features of a phenomenon in their purest and most extreme form. An ideal type as such is never found in actual reality; it is a conceptual tool which simplifies and exaggerates reality for the sake of conceptual clarity.’ Eva Etzioni-Halvey, *Bureaucracy and Democracy: A Political Dilemma* (London: Routledge and Kegan Paul, 1983), 29.

<sup>32</sup> Weber, *Economy and Society*, vol. III, 975.

<sup>33</sup> Ibid, 973.

<sup>34</sup> Peters, *The Politics of Bureaucracy*, 39.

procedures.<sup>35</sup>

These bureaucratic rules, internal to DFID, act upon the organisation and help to forge its behaviour by delimiting the manner in which ‘bureaucrats see the world and perceive the problems they face.’<sup>36</sup> As Mary Douglas explains, bureaucracies curtail thinking by promoting a particular worldview based upon legal-rational decision making.<sup>37</sup> For DFID staff, engaging with those outside of this worldview becomes problematic (this is not to suggest that DFID staff are not aware of the broader view – in fact they most certainly are).<sup>38</sup> Informal security actors in Sierra Leone do not display such legal-rational decision making. They do not operate according to impersonal rules, are not expertise-oriented, or accountable in any impersonal sense. Rather, they act in a highly personalised manner with one’s identity being a key determinant in the outcome of particular, often arbitrary, decisions.<sup>39</sup> The ‘rules’ vary depending on who they are being applied to and one’s position in a hierarchy is often not based upon dispassionate expertise but lineage, wealth, age, sex, personal connections or birthplace. Informal security actors, therefore, do not fit with the legal-rational worldview internalised by DFID, but are more representative of Weber’s patrimonial model of administration (which has since been made increasingly relevant to the context of Sierra Leone through models of neopatrimonialism, most convincingly set out by William Reno).<sup>40</sup> Yet bureaucratic emphasis on neutrality and impartiality does not mean that DFID lacks normative values, despite such values often being overlooked by political scientists.<sup>41</sup> Rather, as Barnett and Finnemore argue, ‘bureaucracies always serve some social purpose or set of cultural values, even when they are shrouded in myths of impartiality or value-neutral technocracy.’<sup>42</sup> Therefore while DFID is bounded in part by the bureaucratic processes internal to it, it is also bounded by a commitment to a particular political mandate, defining the organisation’s purpose, to reduce global poverty.

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<sup>35</sup> Author interview with Garth Glentworth, Senior Governance Advisor, DFID, 17 October 2008.

<sup>36</sup> Barnett and Finnemore, *Rules for the World*, 18

<sup>37</sup> Mary Douglas, *How Institutions Think* (New York, NY: Syracuse University Press, 1986), 75-76.

<sup>38</sup> Ibid.

<sup>39</sup> Paul Richards, *Fighting for the Rainforest* (London: James Currey, 1996), 34; Morten Bøås, ‘Liberia and Sierra Leone – Dead Ringers? The Logic of Neopatrimonial Rule,’ *Third World Quarterly* 22, no. 5 (2001): 698.

<sup>40</sup> Weber, *Economy and Society*, vol. III, 1010-1041; In relation to Sierra Leone, neopatrimonialism has been used as a descriptive model most notably by William Reno, *Corruption and State Politics in Sierra Leone* (Cambridge: Cambridge University Press, 1995); and William Reno, *Warlord Politics and African States* (Boulder, CO: Lynne Rienner, 1998).

<sup>41</sup> Kenneth J. Meier and Laurence J. O’Toole Jr., *Bureaucracy in a Democratic States: A Governance Perspective* (Baltimore, MD: Johns Hopkins University Press, 2006), 137.

<sup>42</sup> Barnett and Finnemore, *Rules for the World*, 21.

### *DFID as a liberal democratic entity*

In its political sphere, DFID is a bureaucratic organisation embedded within a liberal democratic political system of a Western state. Its purpose of reducing poverty is operationalised through attempting to foster liberal democracy elsewhere, which it believes is best achieved through building or strengthening state structures.<sup>43</sup> DFID is *not* an institution for the propagation of tyranny, corruption or illiberal politics. Engaging with informal security actors can mean dealing with some highly unsavoury characters involved in highly unsavoury activities (such as female circumcision or the recruitment of child soldiers). As Biesheuvel explained, SSR involves working with ‘the sort of guys who finish up in charge of armies, police forces [and] intelligence services ... You are not always talking about pleasant individuals.’<sup>44</sup> This is not always comfortable territory for a liberal organisation more used to working with civil society, often perceived to be a progressive social force lobbying for increased respect for human rights, justice and tolerance.<sup>45</sup> As Charles Call and Susan Cook explain, ‘local or traditional forms of governance require difficult choices and perhaps the sacrifice of values liberals hold dear. Traditional, legitimate forms of authority are often repressive of women’s rights, individual rights, property rights, minority rights, and other rights.’<sup>46</sup> It is problematic for DFID to justify such engagements, unless it sees them capable of transformation into the kinds of institutions it is politically comfortable engaging with – that is, states that have the potential to be liberal democratic (or at least institutions that are *regulated* by states that are potentially liberal democratic). For instance, as seen in the case study of the JSDP’s primary justice initiatives, customary law was targeted for reform by DFID only insofar as it could be formally codified and thus brought within state regulation. Thus, to some extent DFID’s political character delimits the activities it is able to engage in.

DFID, like most organisations, must perform to various constituencies which shape their actions – the British public, the government and the rest of the British civil service, and its donor recipients, such as Sierra Leone.<sup>47</sup> As government agencies are given only minimal direct authority through legislation (in the case of DFID this is primarily through the International Development Act, 2002), the remainder is based upon delegated authority from

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<sup>43</sup> DFID, “Why we need to work more effectively in fragile states” (London: DFID, January 2005); DFID, “Governance, Development and Democratic Politics: DFID’s work in building more effective states” (London: DFID, 2007).

<sup>44</sup> Author interview with Piet Biesheuvel, Libra Advisory Group (SSR consultants to DFID), 17 October 2008.

<sup>45</sup> Michael Edwards, *Civil Society* (Cambridge: Polity, 2009), 9.

<sup>46</sup> Charles T. Call and Susan E. Cook, “On Democratisation and Peacebuilding.” *Global Governance* 9, no. 2 (2003): 243.

<sup>47</sup> Peters, *The Politics of Bureaucracy*, 182-185; 220; Barnett and Finnemore, *Rules for the World*, 35-36.

government and legitimacy.<sup>48</sup> The role of legitimacy thus means that DFID's activities must be defensible to its various constituencies, but particularly the British government and public, from whom it ultimately derives its funds. DFID maintains this legitimacy through a reliance upon an ethical politics, advocating human rights, good governance and sustainable development to assist those living in extreme poverty.<sup>49</sup> This ideology grants it legitimacy in the eyes of much of the public, and also provides DFID with a discrete identity within the British civil service. This is particularly important to DFID given its relatively recent devolution in 1997 from the Foreign and Commonwealth Office (FCO).<sup>50</sup> Differentiation from the FCO's main task of diplomacy in the name of British interests, has thus been important for the younger organisation in marking out its sphere of influence and creating a public profile.<sup>51</sup> As Guy Peters notes, 'bureaucracies develop *agency ideologies* as a means of justifying their actions. These ideologies are important weapons in the struggle over influence.'<sup>52</sup> Having the authority, for example, to establish aid spending priorities, represent the government in bilateral negotiations and implement SSR programmes, relies upon DFID successfully attaining the legitimacy to do so.

Thus while engagement with informal security actors might seem appropriate or necessary in the Sierra Leonean context,<sup>53</sup> the British public might not be satisfied that engaging with secret societies and chiefs to improve security provision to in turn reduce poverty, is the best way to spend their tax payer money. In 1998 British newspapers created a publicity nightmare for the FCO and their supposedly 'ethical' foreign policy with the exposure of the 'arms to Africa' affair, in which a British private security company (allegedly with the knowledge of the FCO) provided weapons to forces supporting President Kabbah - perceived internationally as the more legitimate side of the war in Sierra Leone. The potential outcry were news headlines to read: 'Despotic chiefs receive DFID funding' or 'DFID makes FGM safe' is not difficult to imagine! Furthermore, not only does DFID need to appease the British

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<sup>48</sup> Peters, *The Politics of Bureaucracy*, 237.

<sup>49</sup> Zöe Marriage, *Challenging Aid in Africa: Principles, Implementation and Impact* (New York, NY: Palgrave Macmillan, 2006), 47-48.

<sup>50</sup> Tom Porteous, *Britain in Africa* (London: Zed Books, 2008), 20-21.

<sup>51</sup> Ibid.

<sup>52</sup> Peters, *The Politics of Bureaucracy*, 236.

<sup>53</sup> This is not to suggest that all Sierra Leoneans would accept engagement with informal actors. Indications were made in interviews with some JSDP staff that resistance to engagement with informal justice actors came more from the Sierra Leonean side than from DFID. Historically Freetonians, principally the *Krio* population, have not supported what they perceive to be 'traditional' and 'backward' practices that hold Sierra Leone back from its democratic or 'modern' destiny. See, for instance, Gershon Collier, *Sierra Leone: Experiment in Democracy in an African Nation*, (London: University of London Press, 1970), 46-50.

government and public about the quality of human rights provided by the actors it supports, but it also must satisfy itself of the quality of such actors. DFID's *raison d'être* does not sit comfortably with legitimising oppressive governance or security structures. This would be inimical to its political goals. The difficulty DFID staff had, for instance, in accepting the need to fund Sierra Leone Police training in *non-lethal* force demonstrates the lack of enthusiasm within the organisation for supporting practices perceived to be in any way coercive. It is questionable then to what extent DFID could engage with the kinds of informal actors this thesis has been dealing with, without appearing illiberal, or being accused of violating the core principles and values it is supposed to uphold, thereby jeopardising their legitimacy at home and within the organisation itself. DFID's programmatic choices are therefore not unbounded – they are in fact stringently curtailed by the various audiences and political commitments they must serve.

The illiberal character of some of the organisations that informal engagement would bring DFID into contact with does not fit with their broader political agenda.<sup>54</sup> Whilst Britain's Colonial Office was able to justify using chiefs as administrators through indirect rule because this facilitated order and stability, DFID's political mandate is different, requiring that its engagements fit with its liberal, democratic goals (principles that the Colonial office was less bound by because their authority depended upon other interests). Difficult decisions thus need to be made not only about how best to provide security, but also about how best to build the kinds of security that will support equality, justice and broader human rights concerns. These decisions are not entirely in DFID's hands. While it may be able to shape the manner in which its engagements are presented to the public, DFID is still beholden to its home audience, who must be convinced of the Department's ethical legitimacy in order that the government will continue to support its programmes.

### **The state as the fallback engagement**

The argument made here does not mean to suggest that DFID staff are necessarily, or in all cases, blind to their liberal, bureaucratic limitations or that they are so embedded in them that they cannot see the world any other way. Certainly, many DFID staff and consultants I spoke with were aware of the politics surrounding the issue of informal actors.<sup>55</sup> In fact it is this

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<sup>54</sup> Eric Scheye and Louise Andersen, "Conclusion: Toward a Multilayered Approach to Security," in *Fragile States and Insecure People?*, 241.

<sup>55</sup> Author interviews with DFID Sierra Leone staff, Sierra Leone, February – April 2009.

awareness on their part that makes DFID's *lack* of engagement with the informal so surprising and interesting. Rather, DFID's liberal and bureaucratic natures combine to render certain goals and methods of achieving those goals more amenable than other courses of action. As Zöe Marriage explains:

The compromise is reached by denial – “knowing and not-knowing”: the formal state is recognised to be superficial, but limited effort is made to see beyond it. In practical terms, relief workers have short contracts, do not build relationships with “political” figures, and rarely have relevant historical knowledge or linguistic skills. Donor personnel are usually based in capital cities, making it difficult to perceive further in political terms.<sup>56</sup>

DFID *could* choose to go against its bureaucratic and liberal nature by engaging with chiefs and secret societies in order to sensitise them and improve their services, with the aim of providing improved levels of policing and justice (however problematic) to all Sierra Leoneans. Yet this course of action would require a move away from normal operating procedures and institutional thinking, becoming more difficult to implement than engagement with liberal, bureaucratic actors (or those with the potential to be). This involves substantial work and political risk when there are actors with whom DFID can engage in a more straightforward manner, who possess the very attributes that DFID seeks to promote. Barnett and Finnemore explain:

The course of action likely to be preferred by rational-legal authorities are, not surprisingly, rational-legal ones. Left to their own devices, bureaucracies are likely to craft policies that promote rational (in the Weberian sense), impersonal, rule-governed, and technocratic approaches to social tasks.<sup>57</sup>

Finding greater resonance with these bureaucratic values within formal state structures, it is much easier and seemingly more promising for DFID to engage with state bodies in attempting to create the ‘good political behaviour’ they seek. It is this combination of bureaucratic legal-rationality, alongside a political commitment to liberal democracy on the part of DFID and the lack of both of these attributes on the part of Sierra Leone's informal security providers that renders the partnership between the two problematic. DFID's inability to engage with informal security actors, then, is not explained by sheer ignorance, complacency or lack of contextualisation. Rather, it is only explained through an examination of DFID's political and bureaucratic nature itself, which acts to limit their potential engagements. The situation renders Weber's fears about bureaucracy somewhat prophetic.

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<sup>56</sup> Marriage, *Challenging Aid in Africa*, 202.

<sup>57</sup> Barnett and Finnemore, *Rules for the World*, 43.

Edward Page and Bill Jenkins explain that Weber's 'conclusions about bureaucracy were about its potential to create an "iron cage of bondage" ... a system in which a series of powerful constraints limited what is perceived to be possible or desirable.'<sup>58</sup> I would not want to push the parallel being drawn here too far. As argued, DFID is capable of making choices outside of this worldview, but such choices are more problematic than those that remain within the political and bureaucratic nature of the organisation.

These attributes predispose DFID toward engaging in particular ways with particular actors. These actors are ideally liberal democratic organisations with legal-rational decision making processes (or with the potential to be). The obvious contender demonstrating these qualities (or the greatest potential for them) is to be found in the very framework of which DFID is itself a part – the state. The state, as theorised by Weber is the pre-eminent legal-rational organisation.<sup>59</sup> Further, in Western donor discourse, the state is also viewed as the vehicle for good governance (or, as DFID now terms it, 'good enough governance')<sup>60</sup> and liberal democracy. It is the most internationally accepted building block of the very attributes of liberalism and legal-rationalism that DFID exhibits. As DFID's policy on governance, development and democratic politics suggests:

An effective state is the single most important factor in determining whether progress takes place ... Whether states are effective or not – whether they are capable of preventing violent conflict, fulfilling human rights obligations, helping business grow, and delivering essential public services to their citizens – is the single most important factor that determines whether or not successful development takes place.<sup>61</sup>

Thus, in attempting to build peace in post-conflict Sierra Leone, DFID has adopted a state building framework. This is not uncommon in peacebuilding efforts, which have become increasingly coterminous with state building.<sup>62</sup> DFID, itself a state actor, seeks to create order (security, peace and development) through a state-logic by reforming overwhelmingly state security forces within its SSR programme. This state building approach, while often represented as a natural and technocratic response to governance breakdown from a Western

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<sup>58</sup> Edward C. Page and Bill Jenkins, *Policy Bureaucracy: Government with a cast of thousands* (Oxford: Oxford University Press, 2005), 182.

<sup>59</sup> Weber, *Economy and Society*.

<sup>60</sup> For a discussion of this concept see Merilee S. Grindle, "Good Enough Governance Revisited," *Development Policy Review* 25, no. 5 (2007): 533-574.

<sup>61</sup> DFID, "Governance, Development and Democratic Politics," 1-2.

<sup>62</sup> Stepputat, Andersen and Møller, "Introduction", 3-4; Fairlie Chappuis and Heiner Hänggi, "The Interplay between Security and Legitimacy: Security Sector Reform and Statebuilding," in *Facets and Practices of Statebuilding*, eds. Julia Raue and Patrick Sutter (Leiden: Martinus Nijhoff Publishers, 2009), 31.

viewpoint, is not devoid of a normative character.<sup>63</sup> As Fairlie Chappuis and Heiner Hanggi note:

In so far as the nature of the legitimacy of the state remains tied to its representation function, it is firmly embedded in an international discourse of liberal democratic governance. This brings a distinctly normative angle to the SSR agenda which further distinguishes SSR from technical military or security focussed assistance.<sup>64</sup>

Thus while DFID operates with its own political and bureaucratic culture that limits its field of activities, the concept of SSR is also not without normative baggage. Although it may seem commonsensical to think that SSR simply means the reform – of any kind – of a security sector, the nature of the reforms that have built up to inform our understanding of the concept of SSR is in fact highly specific. These reforms are invariably aimed at creating democratically-controlled, accountable and disciplined security services – a highly desirable goal.<sup>65</sup> Yet these concepts of control, accountability and discipline are understood through a state-centric framework: controlled *by* a democratic state; accountable *to* higher political authorities (in turn, at least in principle, accountable to the people). This predisposes SSR towards success with state forces, already embedded in a framework that can, with reform, ensure the kinds of security governance that SSR aims for. Successful reform is not so straightforward when dealing with security actors that fall outside of state structures that are vested with ensuring democratic control, accountability and discipline. Without the state framework that SSR relies upon to ensure the kinds of reform it promotes, the security dividend of such reforms is unclear. Biesheuvel notes the challenges posed by the lack of bureaucratic state structure amongst informal actors:

When you work with non-state you don't have that institutional structure to work with [like you have with the state]. You know, there isn't a big door and a big man sitting behind a desk you can talk to like a Chief Justice or an IGP. You are working with different structures and the very thing that makes them so successful is the fact that they are traditional [and not the state].<sup>66</sup>

If SSR is predicated on the very institutional structure that informal security actors lack, then the ability of SSR to achieve its intended outcomes through engagement with informal actors might not be realistic. If the concepts of accountability, democratic control and discipline at

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<sup>63</sup> Gordon Peake, Eric Scheye and Alice Hills, "Conclusion," in *Managing Insecurity*, eds. Gordon Peake, Eric Scheye and Alice Hills (London: Routledge, 2008), 166.

<sup>64</sup> Chappuis and Hänggi, "The Interplay between Security and Legitimacy," 39.

<sup>65</sup> Robert Egnell and Peter Halden, "Laudable, Ahistorical and Overambitious: Security Sector Reform meets State Formation Theory," *Conflict, Security and Development* 9, no. 1 (April 2009): 27-54.

<sup>66</sup> Author interview with Piet Biesheuvel, Libra Advisory Group (SSR consultants to DFID), 17 October 2008.



the heart of SSR could be recalibrated to apply outside of the bureaucratic state – for instance, by linking accountability to community groups or civil society, rather than to government – then the normative agenda of SSR might not exclude successful reform of the informal.

The state-centric notion of security that emerges from DFID, in part at least due to the organisation's bureaucratic and political character, have important consequences for its understanding of the causes of war, as seen in the first chapter. In viewing the state as the most legitimate security actor, DFID predisposes itself to engaging in security issues in a manner that preferences the state over other security providers. Thus while DFID's stated understanding of security centres on human security, its operationalisations through, for instance, SSR in Sierra Leone, suggest that this broader understanding of security is predominantly sought through conventional state security structures. Being shackled with a state security framework (albeit one oriented to achieving security for more than simply the territorial state) that derives from the organisation's bureaucratic and political nature, DFID's understanding of the war in Sierra Leone as a breakdown of the state, in turn requiring strengthening of the state, is not surprising.

The normative focus of SSR is, however, not necessarily appropriate in all times and places. Finn Stepputat, Louise Andersen and Bjørn Møller have pointed to the lack of specific guidelines for reforming security systems in fragile and post-conflict states. They note that 'in the absence of specific guidelines, most SSR efforts in fragile states have thus focused broadly on the dual task of (re)establishing a Weberian monopoly on violence and installing good governance safeguards to prevent the state from abusing this monopoly.'<sup>67</sup> This normative commitment to the Weberian state (and liberal, legal-rational rules of good governance) within SSR was originally formulated to reform security sectors that were *too* strong and *too* effective.<sup>68</sup> The premise, then, is not necessarily relevant to fragile state scenarios such as Sierra Leone. The normative commitments of SSR are thus in danger of falling prey to the danger observed by Jeffrey Herbst that 'the gap between how power is exercised in Africa and international assumptions about how states operate is significant and, in some cases, growing.'<sup>69</sup>

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<sup>67</sup> Stepputat, Andersen and Møller, 'Introduction', 4-5.

<sup>68</sup> Ibid.

<sup>69</sup> Jeffrey Herbst, *States and Power in Africa* (Princeton, NJ: Princeton University Press, 2000), 3.

DFID's attempts to build peace, security and development though state building assume that the Sierra Leonean state can successfully graft the Weberian type onto itself, thus ridding it of its praetorian, corrupt and feeble characteristics. Such an assumption fails to recognise the unique history of the Sierra Leonean state, which having undergone different transformations into statehood, represents a different beast to the European state model. This bias towards sovereign states, dominant in the discipline of international relations, does not necessarily reflect the manner in which power is in fact exercised.<sup>70</sup> As Louise Andersen explains:

When trying to understand state failure, one needs to look beyond the normative Weberian model of what a state is supposed to look like. One needs to start with the actual institutions and practices of the state and explore the way in which they have evolved in the specific historical settings.<sup>71</sup>

DFID's state building approach attempts to universalise the European experience of state formation that was not only contextually unique – but also took decades or centuries to occur in those cases.<sup>72</sup> Not only has the experience of the state in Sierra Leone been different, but these differences have also prompted an ever-greater reliance upon informal governance mechanisms.

The specific history of the state in Sierra Leone has unfolded throughout this thesis, yet it is pertinent to note here the abstract and universalising implications of DFID's attempts to build liberal bureaucratic governance in Sierra Leone.<sup>73</sup> DFID's approach suggests that types of governance can be divorced from their historical and contextual environments and transposed upon other times and places. This kind of thinking has been common in analysis of post-conflict Sierra Leone. Danny Hoffman, for instance, writes of the failure of a key prosecution expert in the Special Court to understand the highly contextualised nature of chains of command within the community defence forces (CDFs).<sup>74</sup> Rather, by assuming war to have common features across time and space, the expert presents it as an 'ahistorical

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<sup>70</sup> Pierre Englebert, *Africa: Unity, Sovereignty and Sorrow* (Boulder, CO: Lynne Rienner, 2009), 244.

<sup>71</sup> Louise Andersen, "What to do? The dilemmas of international engagement in fragile states," in *Fragile States and Insecure People?*, 23.

<sup>72</sup> Keith Krause and Oliver Jütersonke, "Peace, security and development in post-conflict environments," *Security Dialogue* 36, no. 4 (2005): 451.

<sup>73</sup> Of course, these bureaucratic institutions were first constructed in Sierra Leone under British colonialism. Efforts to state build since the end of the war through SSR, as have been set out throughout this thesis, can be seen to suggest a belief in this form of governance as the most desirable.

<sup>74</sup> Danny Hoffman, "The Meaning of a Militia: Understanding the Civil Defence Forces of Sierra Leone," *African Affairs* 106, no. 425: 639-662.

phenomenon'.<sup>75</sup> Hoffman goes on to explain:

The history of the anthropology of war has, however, been a history of refuting exactly this kind of decontextualised reading of communal violence. As Paul Richards and others have recently pointed out, one of the greatest weaknesses in much of the analytics of violence is the unwillingness of observers to locate their understandings of conflict within specific local contexts.<sup>76</sup>

The same argument can be applied here to the tendency of DFID (and other Western donors working in non-Western contexts) to work on the basis that the liberal bureaucratic model of governance is the best form of administration across time and space. To paraphrase Hoffman's analysis, the supposition that it is a universal, ahistorical phenomenon generates responses that are increasingly mismatched with the realities of governance in Sierra Leone.<sup>77</sup> The history of the failures of the state in Sierra Leone demonstrate this disparity.

### **The Sierra Leone State Experience**

The state in Africa has been increasingly theorised as a distinct phenomenon from European state models, usually through the addition of evocative adjectives such as 'quasi-states',<sup>78</sup> 'shadow states',<sup>79</sup> 'vampire states'<sup>80</sup> and states characterised by 'the politics of the belly'.<sup>81</sup> Each of these descriptions refers, in different ways, to the weaknesses and complexities of African states in providing effective governance to their populations. The state in Sierra Leone has been depicted through a variety of these characterisations, although not without criticism.<sup>82</sup> While I would accept some of these labels, given the academic controversy they tend to promote, I prefer here to characterise the Sierra Leonean state not through a particular state model, but rather by its dominant characteristics. These fit more closely with some models than others, but also cut across themes present in various models to highlight some of the most important characteristics in the Sierra Leonean case. This approach also moves away from neatened typologies of the state to a more open observation of political cultures. Of crucial importance in the following observations is the role that history has played in shaping the state. As Stephen Ellis notes, 'many of Africa's current conflicts are just the latest twists

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<sup>75</sup> Ibid, 645.

<sup>76</sup> Ibid, 646.

<sup>77</sup> Ibid, 659-660.

<sup>78</sup> Robert Jackson, *Quasi-States: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge University Press, 1990).

<sup>79</sup> Reno, *Corruption and State Politics in Sierra Leone*.

<sup>80</sup> Jonathon Frimpong-Ansah, *The Vampire State in Africa* (Oxford: James Currey, 1992).

<sup>81</sup> François Bayart, *The State in Africa: The Politics of the Belly* (London: Longman, 1993).

<sup>82</sup> See for instance, Paul Richards' book review of William Reno's *Corruption and State Politics in Sierra Leone*, in *Journal of African Economies* 7, no. 2 (1998): 301-303.

in a long and bloody history that goes back to the circumstances of decolonisation. Understanding this history is essential for rebuilding today.<sup>83</sup>

The Sierra Leonean experience of centralised authority and the state has overwhelmingly been one based on coercion, focused primarily on disciplining citizens rather than providing public services. Precolonial political formations were ruled by warriors powerful enough to defend their kingdoms.<sup>84</sup> Territorial control radiated out in concentric circles, often clashing on the outer reaches of kingdoms.<sup>85</sup> Subjects were required to pay tribute to their warrior-king to show their loyalty and failure to do so was severely punished.<sup>86</sup> This rule by force, dominant in the 18<sup>th</sup> century, was altered in form under colonial rule, although the coercive nature of governance remained. Imposition of a foreign power required the curtailment of indigenous rights as well as the use of force to ensure compliance. The colonial experience thus represented governance as concerned with regime survival rather than popular interests.

Both the colony and protectorate were administered for the commercial benefit of the British Empire, with little regard for the economic position of Sierra Leoneans.<sup>87</sup> The introduction of taxation, for instance, was perceived in the provinces as tribute to a foreign power that provided few public services in return.<sup>88</sup> Natural resources were stripped from the country and processed elsewhere, leaving the Sierra Leonean economy overwhelmingly export-oriented.<sup>89</sup> The commercial imperative of colonial rule instilled an economic prerogative to governance that was to remain throughout independence, with rulers paying little heed to the public-private separation of finance.

Colonial government also reinforced the historical separation of Freetown from the provinces, through the Colony-Protectorate divide. Indirect rule through chiefs upcountry allowed traditional authorities to retain pre-colonial powers and mark out the provinces as their realm

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<sup>83</sup> Stephen Ellis, "How to Rebuild Africa," in *Beyond Humanitarianism*, eds. Princeton N. Lyman and Patricia Dorff (New York, NY: Council on Foreign Relations, 2007), 157.

<sup>84</sup> Walter Barrows, *Grassroots Politics in an African State: Integration and Development in Sierra Leone* (London: Africana Publishing, 1976), 66-67; 70; Collier, *Sierra Leone: Experiment in Democracy in an African Nation*, 78.

<sup>85</sup> Herbst, *States and Power in Africa*, 45.

<sup>86</sup> Barrows, *Grassroots Politics in an African State*; Earl Conteh-Morgan and Mac Dixon-Fyle, *Sierra Leone at the End of the Twentieth Century* (New York, NY: Peter Lang, 1999), 18-19.

<sup>87</sup> George Klay Kieh Jr., "Introduction: The terminally ill Berlinist state," in *Beyond State Failure and Collapse: Making the state relevant in Africa*, ed. George Klay Kieh Jr. (Plymouth: Lexington Books, 2007), 5.

<sup>88</sup> H. Osman Newland, *Sierra Leone: Its People, Products, and Secret Societies* (London: John Bale, Sons & Danielsson, 1916), 106-107.

<sup>89</sup> Klay Kieh, "Introduction: The terminally ill Berlinist state," 5.

of control vis-à-vis the government-run capital.<sup>90</sup> This separation has remained a hallmark of Sierra Leonean politics, with the capital frequently unaware of, or unconcerned with, provincial affairs and willing, to some degree, to leave its administration up to traditional authorities.<sup>91</sup> Mariane Ferme notes that this has resulted in a classic example of Mahmood Mamdani's 'bifurcated state' with the upcountry population exhibiting the overlapping identities of both citizen and subject.<sup>92</sup> Prior to decolonisation, the British attempted to limit the power that had been granted to chiefs, for instance with the establishment of District Councils in the 1950s who were to execute government policy in the provinces. Yet, as Joel Migdal notes, these Councils 'found it difficult to establish ties with the population, at least in part because of the degree of social control already exercised by chiefs.'<sup>93</sup> At decolonisation the power of chiefs was so entrenched that legislative reforms had little impact. As Crawford Young suggests, 'autocratic and hegemonic impulses ... were the more enduring legacy of the colonial state' and not the hasty transfer of 'thin' concepts of democracy in the lead up to independence.<sup>94</sup>

Independence was characterised by struggles between the Freetown Krio and upcountry indigenous populations, as well as between the two major political parties, the Sierra Leone People's Party (SLPP) and the All People's Congress (APC). Since independence in 1961, Sierra Leone has held just four democratic elections (1967, 1996, 2002 and 2007), and the quality of these is dubious at best.<sup>95</sup> The first election, in 1967 resulted in a stalemate, controversially resolved by the Governor-General before being overturned in a *coup d'état* by the losing SLPP. When the Governor-General's choice for President, APC's Siaka Stevens, was finally reinstated in 1968, he proved to be a corrupt and oppressive leader, turning Sierra Leone into a one-party state and bankrupting the country.<sup>96</sup> His appointed successor in 1985, former army officer Joseph Momoh, was unable to build his own power base while

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<sup>90</sup> The augmentation of these powers under colonialism has been discussed previously in chapter four.

<sup>91</sup> This applies so long as the traditional authorities do not create problems for the central government in Freetown. As politicians rely upon chiefs to garner votes for them amongst their subjects, they appease the chiefs wherever possible. At the same time, as the government is able to depose chiefs in certain circumstances, chiefs must also be more careful in their own political affairs. See, for instance, A.P. Kup, *Sierra Leone: A Concise History* (London: David and Charles, 1975), 221.

<sup>92</sup> Mariane C. Ferme, "Deterritorialised Citizenship and the Resonances of the Sierra Leonean State," in *Anthropology in the Margins of the State*, eds. Veena Das and Deborah Poole (Oxford: James Currey, 2004), 85.

<sup>93</sup> Joel S. Migdal, *Strong Societies and Weak States* (Princeton, NJ: Princeton University Press, 1988), 14-15.

<sup>94</sup> Crawford Young, "The Colonial State and its Political Legacy," in *The Precarious Balance: state and Society in Africa*, eds. Donald Rothchild and Naomi Chazan (Boulder, CO: Westview, 1988), 56.

<sup>95</sup> Thomas Mark Turay, "Sierra Leone: Peacebuilding in Purgatory," in *Patronage or Partnership? Local Capacity Building in Humanitarian Crises*, ed. Ian Smillie (Bloomfield, CT: Kumarian Press, 2001), 160.

<sup>96</sup> Collier, *Sierra Leone: Experiment in Democracy in an African Nation*, 64.

maintaining Stevens' patronage networks and eventually succumbed to a coup in 1992.<sup>97</sup> This period of APC rule built upon the colonial experience to ensure that the state in Sierra Leone resembled little of Weber's ideal model. Services were highly personalised, with state security forces protecting the regime rather than the population.<sup>98</sup> Police and military forces were feared by the population as sources of insecurity.<sup>99</sup> State and personal bank accounts became blurred.<sup>100</sup> Stevens amassed considerable wealth as President while the country's financial position drastically deteriorated. As national budgets dried up and regime survival became increasingly important, services were more frequently provided on a patron-client basis.<sup>101</sup> Clients traded their political allegiance, labour or other 'in kind' payment for jobs, education, and other services. In this manner, Sierra Leone 'worked' - although it clearly worked better for those with access to resources.<sup>102</sup> In 1991, after President Momoh had agreed to hold elections, the country descended into civil war, which would see three more coups in Freetown before a democratically elected government was secured.

#### *The Sierra Leonean state vs. the informal*

This experience of the state corroborates two important points here. First, the poor leadership and lack of security (as opposed to merely state order) supplied by the colonial government, one-party government, and the various military rulers who coopted State House, has required Sierra Leoneans to increasingly search for it in other places.<sup>103</sup> Pierre Englebert characterises the experience of the state in many African contexts:

Most ... [states in Africa] have not brought about or facilitated much economic or human development for their populations since independence. Often, they have caused their people much havoc, misery, uncertainty, and fear. With some exceptions, African states have been, mildly or acutely, the enemies of Africans. Parasitic or predatory, they suck resources out of their societies. At the same time, weak and dysfunctional, many of them are unable or unwilling to sustainably provide the rule of law, safety, and basic property rights that have, since Hobbes, justified the very existence of states in the modern world.<sup>104</sup>

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<sup>97</sup> William Reno, "Political Networks in a Failing State: The Roots and Future of Violent Conflict in Sierra Leone," *International Politics and Society* 2 (2003): 56-57.

<sup>98</sup> Osman Gbla, "Security Sector Reform under International Tutelage in Sierra Leone," *International Peacekeeping* 13, no. 1 (2008): 78-93.

<sup>99</sup> Ibid.

<sup>100</sup> Reno, *Corruption and State Politics in Sierra Leone*, 1-2.

<sup>101</sup> Ibid.

<sup>102</sup> Patrick Chabal and Jean-Pascal Daloz, *Africa Works: Disorder as Political Instrument* (Oxford: James Currey, 1999).

<sup>103</sup> Bruce Baker, "Beyond the State Police in Urban Uganda and Sierra Leone," *Afrika Spectrum* 41, no. 1 (2006): 67.

<sup>104</sup> Pierre Englebert, *Africa: Unity, Sovereignty and Sorrow* (Boulder, CO: Lynne Rienner, 2009), 1.

This experience of the state has meant that governance has been innovated in alternative ways outside of the state, and now constitutes the primary manner in which Sierra Leoneans access resources. I do not want to suggest that informal actors are relied upon solely because of the weakness of the state. As Eric Scheye and Louise Andersen rightly note:

The absence of state services may be one reason why people rely on nonstate providers. There may, however, be another reason also. Sometimes nonstate providers are the choice of first resort, because the values embedded in the nonstate justice and security systems correspond more closely to those held by the citizenry, whereas state systems are considered to house foreign principles and standards and are, therefore, to be shunned.<sup>105</sup>

This idea has been examined in the case studies in chapters three and four. For the moment, however, let me focus upon the impact that a weakening state had upon the provision of public services, notwithstanding the allegiance that informal actors attract vis-à-vis a stronger state.<sup>106</sup> As the state became less and less interested in, or capable of, service provision space was created for others to fill this void or increase their involvement.<sup>107</sup> As Ellis explains, such power vacuums have been filled by:

structures with deep roots in Africa's history. These institutions, such as Somalia's subclans or West Africa's initiation societies, do not figure in textbooks on government. ... At present ... [foreign] administrators tend to ignore such networks and often spend an entire tour of duty patiently rebuilding formal new governments without noticing the alternate structures already in existence right under their noses. Administrators should learn to take advantage of such indigenous political institutions. Over the next few decades, governance in many parts of Africa must be substantially reinvented, and the more solidly it is grounded, the better. Not all local institutions that have a historical pedigree should be preserved. But because certain deep-rooted local structures are not going to disappear, it makes sense to think about how they can play a role.<sup>108</sup>

I am not suggesting that chiefs and secret societies had ceased to play a governance role somewhere during independence, and then reemerged to fill this role when the state declined by the 1980s. Certainly, these informal actors continued to fulfil a governance function throughout this period, collecting taxes, fees and fines.<sup>109</sup> However, the decline of the state augmented the importance of informal actors and allowed them to carve out a more relevant

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<sup>105</sup> Scheye and Andersen, "Conclusion: Toward a Multilayered Approach to Security," 231.

<sup>106</sup> Joel S. Migdal has written about the 'communal moral economy' that non-state communities are often able to confer, suggesting that the rules of these communities are more closely followed because of the identity-creation that occurs through such obedience, than the rules or laws of the seemingly distant state. See Migdal, *Strong Societies and Weak States*, 26-35.

<sup>107</sup> Helene Maria Kyed and Lars Buur, "Introduction: Traditional Authority and Democratisation in Africa," in *State Recognition and Democratisation in Sub-Saharan Africa*, eds. Lars Buur and Helene Maria Kyed (Houndsmills: Palgrave Macmillan, 2007), 4.

<sup>108</sup> Ellis, "How to Rebuild Africa," 163-164.

<sup>109</sup> Ferme, "Deterritorialised Citizenship and the Resonances of the Sierra Leonean State," 94.

governance role than might have been the case had the state not so dramatically weakened.<sup>110</sup>

Joshua Bernard Forrest illustrates the point well:

In rural Africa, the loosening of state tentacles has not meant an end of politics but rather the removal of arcane administrative superstructures that were often ill suited to the civil societies over which they ruled (or pretended to rule). This has rendered more visible the social bases of power that exert real-world influence over the lives of most Africans. From the point of view of social science, this represents both a mandate and an opportunity to investigate what the political world looks like beneath the pretentious architecture of the colonially constructed state.<sup>111</sup>

Given their experience of the state, Sierra Leoneans have little reason to believe that the state will be any better a provider now than it has proved in the past. As Stepputat, Andersen and Møller note, many people in fragile states experience the state as ‘arbitrary predators rather than ... legitimate centres of authority.’<sup>112</sup> Even the current interventions by donors to reform the state apparatus offer little hope for Sierra Leoneans, who bore witness to donor interventions in the 1980s and 1990s through structural adjustment programmes, which further impoverished the country.<sup>113</sup> The state has largely proved a failure in Sierra Leone. It has, according to patrimonial models, bred division and allocated resources on the basis of these divisions, rather than acting as a unifying and meritocratic force. The Western assumption that the state is the legitimate site for security functions is not necessarily warranted in the Sierra Leonean case. Given Sierra Leone’s experience of the state, it has proved itself to have no greater liberal potential than the many informal security actors (who the state at times supported) that have acted as security providers in the country’s past. While governance reform efforts since 2002 have undoubtedly improved the quality of governance and public service delivery, it remains to be seen whether this can be sustained once donor assistance dries up. It is also unclear to what extent these recent improvements can turn around the perception many Sierra Leoneans have developed of their state as corrupt, inefficient and incompetent. Certainly local media remains scathing and largely unimpressed with state government.<sup>114</sup> It seems dubious as to whether Sierra Leoneans will see enough

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<sup>110</sup> Crawford Young, “The End of the Post-Colonial State in Africa? Reflections on Changing African Political Dynamics,” *African Affairs* 103, no. 410 (2004): 40.

<sup>111</sup> Joshua Bernard Forrest, “State Inversion and Nonstate Politics,” in *The African State at a Critical Juncture: Between Disintegration and Reconfiguration*, eds. Leonardo A. Villalon and Phillip A. Huxtable (Boulder, CO: Lynne Rienner, 1998), 54.

<sup>112</sup> Stepputat, Andersen and Møller, “Introduction”, 8-9.

<sup>113</sup> David Keen, “Greedy Elites, Dwindling Resources, Alienated Youths: The Anatomy of Protracted Violence in Sierra Leone,” *International Politics and Society* 2 (2003): 87.

<sup>114</sup> See for instance Sayoh Kamara, “**Sierra Leone Youth blast Government: ‘Na so, so Alaki nor mor!’**,” *Awareness Times*, 20 September, 2010,



promise in the state to turn away from the security providers from whom they have accessed security for so long (despite the often oppressive quality of this service). Jeffrey Herbst's prediction a decade ago remains pertinent today, 'the rough equilibrium in conventional politics between the state and traditional leaders - where neither makes significant inroads on the other's turf - appears likely to be relatively stable for many countries for many years.'<sup>115</sup> Chiefs, patrons and secret societies continue to dominate much service delivery in Sierra Leone, including policing and justice provision. This reality is wedded to the historical experience of statehood in the country and thus challenges dominant donor wisdom of the validity of the Weberian state model. Stepputat, Andersen and Møller enunciate the challenge: 'by virtue of the real life alternatives to state authority and state legitimacy they present ... [fragile states] force us to rethink and explore the limits of the normative state model that is underpinning most of the current discussion about order and disorder in the global system.'<sup>116</sup> State models promoted by donors through post-conflict state building efforts in Sierra Leone must incorporate greater space for informal actors, who have played dominant roles throughout history, particularly as formal state structures deteriorated.

#### *The Sierra Leonean state vs. the reformed state*

The second point illustrated by Sierra Leone's state experience is the disjuncture between the kind of state that has developed there historically, and the kind of state that the UK (and others) are trying to build. Attempts to build a Weberian state in a place where the 'state' has been largely 'juridical' rather than 'empirical',<sup>117</sup> must concede that the outcome will be a 'thin' version of what can only sustainably be achieved through such outcomes becoming 'thick'.<sup>118</sup> Without a culture or history of Weber's characteristics of bureaucracy, accountability, rule of law, democracy, legal-rationalism, and so on, the Weberian state risks sitting precariously and without foundations upon a very different political culture and alternative informal governance mechanisms. The newly built state, however ideal in design, then, will not easily grow roots in a system where alternative modes of operation, boasting

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[http://news.sl/drwebsite/publish/article\\_200516334.shtml](http://news.sl/drwebsite/publish/article_200516334.shtml), accessed 23 September, 2010.

<sup>115</sup> Herbst, *States and Power in Africa*, 197. Herbst, in turn, echoed Norman N. Miller's claim in 1968 that 'the chiefdom itself remained the broadest political unit with which a rural African is directly concerned', quoted in Herbst, *States and Power in Africa*, 180.

<sup>116</sup> Stepputat, Andersen and Møller, "Introduction," p. 5.

<sup>117</sup> That is, exists under international law and is recognised by those external to it, yet lacks internal validity as a governing body. The distinction between juridical and empirical statehood was developed by Robert H. Jackson and Carl G. Rosberg, "Why Africa's Weak States Persist: The Empirical and the Juridical in Statehood," *World Politics* 35, no. 1 (October 1982): 1-24.

<sup>118</sup> Clifford Geertz, *The Interpretation of Cultures* (London: Hutchinson & Co., 1975), 27.

greater longevity and fealty, are entrenched. Such social roots cannot be socially engineered, they must be grounded in practical experience. In order to retain the possibility of fundamentally altering security to ensure that the causes of conflict are comprehensively addressed, engagement must be at the level where security happens on a daily basis and where it is ‘thick’, in the sense of being locally understood and legitimated.<sup>119</sup> This might mean letting go of the assumption that the Weberian state will be the best governance mechanism across time and space. Those of us in the West have largely succumbed to the belief that the state, as we know it, is a natural entity.<sup>120</sup> Yet, as Lisa Anderson demonstrates:

Human history is full of complex and orderly communities, tribes, chivalric orders, churches, empires, trade federations, aristocracies, religious brotherhoods and other expressions of human ingenuity ... Yet, for most citizens of established states, particularly in Europe and North America, these alternatives to the state have been dispatched to the curiosity shops of history or relegated to the private lives of citizens ... However they served for millennia as vehicles for regulating societal interaction, fortifying human bonds, organising economic production and exchange and assuring security in the absence of what we know as the state - and in many places they still do.<sup>121</sup>

Thus despite DFID’s political, bureaucratic and statist nature pushing it to engage with the Sierra Leonean state, it is not the state as they know it. Rather, in the case of Sierra Leone, it is a coercive, patrimonial and divided state that shares authority with a number of informal mechanisms in governing. As states across Africa have failed throughout the 1990s and traditional forms of governance have undergone a resurgence, the previously accepted dogma that the state was the political destiny for Africa is increasingly tenuous. Mark Beissinger and Crawford Young speak to this uncertain future:

There no longer appears to be a clearly defined end point in the processes of adaptation in course. Although the tug of liberal democracy and market economy is strong, as a referential emblem of “normality” and as a global cachet of respectability, given the enormous problems of stateness that affect these regions there is no longer a certainty that these represent the eventual destinations.<sup>122</sup>

Engaging with overwhelmingly state actors neglects the political transformations underway and incorporates into programming only one dimension – a thin version – of the security and governance matrix in Sierra Leone. As Ellis posits, ‘[h]ealthier states will need to reflect the

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<sup>119</sup> Ibid.

<sup>120</sup> Migdal, *Strong Societies and Weak States*, 15-16.

<sup>121</sup> Lisa Anderson, “Antiquated before they can Ossify: States that fail before they form,” *Journal of International Affairs* 58, no. 1 (Fall 2004): 3.

<sup>122</sup> Mark R. Beissinger and Crawford Young, quoted in Young, “The End of the Post-Colonial State in Africa,” 48.

actual politics of their societies, including some unconventional arrangements.’<sup>123</sup> This call to recalibrate reforms to engage with governance as it happens in practice has been widespread in academia.<sup>124</sup> It follows that if DFID wants to make a real impact on the quality of security that Sierra Leoneans receive, they need to be prepared to engage with the state as it exists in Sierra Leone, not as they would like it to be. This means accepting that security functions have been divided between a coercive, patrimonial and internally riven state (albeit now reforming) and informal actors who have often been the predominant policing and justice providers, who pre-date the state, and whilst suffering from the same illiberal character, have a familiarity to rural citizens that the state does not. DFID needs to adopt a ‘thick’ understanding of the causes of war, which reveals a fuller understanding of the nature of the state and the security architecture in Sierra Leone, in order to better reform security provision and comprehensively address the causes of the war.

### **Problems with a strong state approach**

The obvious counterargument here, and the logic at times perceptible in DFID policy and interviews, is that building an effective state that governs capably will decrease the need for Sierra Leoneans to rely upon the, often illiberal, governance of chiefs, patrons and secret societies. Thus, strengthening the state addresses two problems: state capacity, and the moral dilemma posed by informal governance. Yet history and broader African experience suggests this transition is not so straightforward. In the best case scenario, perhaps state improvement will see a decline of informal governance eventually. At the moment, the state provides little unifying identity for Sierra Leoneans, who at least in the provinces relate more immediately to their chiefdom than the central state.<sup>125</sup> As Englebert notes, the effort to democratise African states ‘lays bare the failure of the post-colonial African state to promote identity and facilitates efforts to return to traditional communities or to imagine new ones.’<sup>126</sup> Such identification is powerful in determining who people turn to with complaints, for the resolution of disputes, or for assistance. If the Sierra Leonean state can successfully overcome

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<sup>123</sup> Ellis, “How to Rebuild Africa,” 160.

<sup>124</sup> Stepputat, Andersen and Møller, “Introduction,” 6; Migdal, *Strong Societies and Weak States*, 25; Naomi Chazan, “Patterns of State-Society Incorporation and Disengagement in Africa,” in *The Precarious Balance*, 121-123; Herbst, *States and Power in Africa*, 270.

<sup>125</sup> Richard Fanthorpe, “Neither Citizen nor Subject? ‘Lumpen’ Agency and the Legacy of Native Administration in Sierra Leone,” *African Affairs* 100, no. 400 (2001): 372-373; Volker Boege et al, “On Hybrid Political Orders and Emerging States: What is Failing – States in the Global South or Research and Politics in the West?,” Berghof Research Centre for Constructive Conflict Management, April 2009, 23.

<sup>126</sup> Pierre Englebert, “Back to the Future? Resurgent Indigenous Structures and the Reconfiguration of Power in Africa,” in *Tradition and Politics: Indigenous Political Structures in Africa*, ed. Olufemi Vaughan (Trenton, NJ: Africa World Press, 2005), 47.

its divisions between the provinces and Freetown, North and South, the wealthy elite and the marginalised and vulnerable, then it may be able to offer a sense of communal identity and thus accrue the trust that currently resides at the lower levels of chiefdoms.<sup>127</sup> At such a time, the state may be well placed to become the predominant provider of policing and justice services. Forging this national identity will, however, be a long term process and in the meantime – the meantime being critical post-conflict years – the sense of belonging that chiefdoms provide will continue to play an important role in people's identities.

As this thesis has tried to demonstrate, chiefs and secret societies have not been so resilient purely because of state weakness. They are also valued because of the identity-producing role they provide to their subjects and communities and the link they provide to ancestral history. This identity-producing power is in part shaped by the rights that chiefdom belonging carries. Land ownership, marriage prospects and labour rights continue to depend upon one's status as an indigene in Sierra Leonean chiefdoms.<sup>128</sup> These rights, combined with more ephemeral connections to ancestors, communities and place, are still strongly mediated by chiefs and secret societies, rendering chiefdom-level politics a determining factor in policing and justice in the lives of many Sierra Leoneans. Furthermore, chiefs have remained powerful through their embeddedness in the informal political economy in Sierra Leone, which throughout colonialism and independence has been a dominant, and at times the predominant, means of production.<sup>129</sup> The informal economy has provided a link between the state and chieftaincy system, with politicians purchasing support from chiefs (and by extension their subjects) in return for access to resources or turning a blind eye to their illicit practices.<sup>130</sup> This 'deal' is not a new one. British colonial officials exchanged positions of (often abusive) power for peace in the provinces and mining companies allowed small-scale illicit diamond mining to continue so long as chiefs maintained social order.<sup>131</sup> During times of austerity, from the 1980s and throughout the civil war, politicians also relied upon 'big men' (sometimes chiefs, but not necessarily) to gain access to services and resources that were not available on the

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<sup>127</sup> Sunil Bastian and Robin Luckham, *Can Democracy be Designed?* (London: Zed Books, 2003), 42.

<sup>128</sup> Melissa Labonte, "Same Care, Different Driver? The Impact of Peacebuilding Partnerships and the Chiefdom System in Sierra Leone," *Journal of Peacebuilding and Development* 4, no. 1 (2008): 72.

<sup>129</sup> Reno, *Corruption and State Politics in Sierra Leone*.

<sup>130</sup> Voice of America, "Traditional Chiefs Wield Political Influence in Sierra Leone," 10 August, 2007, <http://www1.voanews.com/english/news/a-13-2007-08-10-voa52-66579857.html>, accessed 12 August, 2010; Tunde Zack-Williams, "Introduction: Africa at the Millennium," in *Africa in Crisis: New Challenges and Possibilities*, eds. Tunde Zack-Williams, Diane Frost and Alex Thomson (London: Pluto Press, 2002), 2.

<sup>131</sup> Reno, *Corruption and State Politics in Sierra Leone*, 22.

formal market.<sup>132</sup> Links to the informal economy have ensured that chiefs have been able to remain useful and thus relevant as providers of services not just to their subjects, but also to politicians unable to go it alone. This has meant that the state itself in Sierra Leone has not always opposed the power of informal actors.<sup>133</sup> The very longevity of these informal governance mechanisms also attests to their staying power. Chiefs and secret societies in Sierra Leone have reinvented themselves through dramatic episodes in the country's past - colonisation, decolonisation, independence, dictatorship and civil war. As Olufemi Vaughan notes, 'rapidly changing social, political and economic environments present adaptive and resilient indigenous political institutions as important domains where communal values are profoundly expressed.'<sup>134</sup> They thus seem well placed to survive the interventions of Western donors to reshape the state apparatus.

The important role that informal authorities, such as chiefs continue to play in many *strong* African states also suggests that they are not merely relied upon in the absence of state strength. Englebert has demonstrated that Sierra Leone is one of the only examples (along with Somalia) of a resurgence of 'indigenous authority structures', in a failed state context.<sup>135</sup> The vast majority of such revivals have occurred in relatively strong states, such as South Africa, Uganda and Nigeria, suggesting that the strength of traditional authorities is not linked to the weakness of state institutions.<sup>136</sup> Englebert goes on to state that 'on the contrary, relatively strong states like South Africa and Uganda have so far provided the context for the furthest-reaching restorations [of traditional authorities].'<sup>137</sup> This revelation suggests that informal governance providers may be around in Sierra Leone for longer than state reformers anticipate. Englebert posits that this trend may result from the greater confidence that strong states have in their own institutions and are not, therefore, threatened by alternative providers.<sup>138</sup> Weak states not only react in a more hostile manner to traditional authorities, but in doing so they also foster a competitive relationship with them.<sup>139</sup> The government of Sierra Leone therefore needs to take the lead in developing amicable ties with traditional governance

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<sup>132</sup> Ibid, 15; Jean-François Bayart, Stephen Ellis and Béatrice Hibou, "The 'Social Capital' of the Felonious State," in *The Criminalisation of the State in Africa*, eds. Jean-François Bayart, Stephen Ellis and Béatrice Hibou (Oxford: James Currey, 1999), 20-21.

<sup>133</sup> Reno, *Corruption and State Politics in Sierra Leone*, 15; Zack-Williams, "Introduction", 2.

<sup>134</sup> Olufemi Vaughan, "Introduction," in *Tradition and Politics*, 2.

<sup>135</sup> Englebert, "Back to the Future?," 42-43.

<sup>136</sup> Ibid, 42-43.

<sup>137</sup> Ibid, 43.

<sup>138</sup> Ibid, 44-45.

<sup>139</sup> Ibid, 45.

institutions. A confrontational attitude will serve only to alienate chiefs and secret societies (and with them, the Sierra Leoneans whom they have greater access to), creating conflicting and competitive forms of policing, rather than a unified system of security.<sup>140</sup>

Revivals of traditional authority have also been further entrenched through more recent events. Englebert notes that ‘there is a broad timing concurrence between the resurgence of tradition and the spread of democratic experiments in Africa, both of which have followed the Cold War in 1989.’<sup>141</sup> With power increasingly devolved to ‘we, the people’, identity questions of who ‘we’ are inevitably arise.<sup>142</sup> Terence Ranger proposes that a revival of traditional authority occurs as a response to this ‘we’ question, given the new space opened up by democracy promotion following the oppression suffered under colonial and post-colonial regimes.<sup>143</sup> In searching for communal identity, it seems unsurprising that Africans may look to practices and authority structures not as tainted by the oppression of colonial rule and post-independence dictatorship. In rural Sierra Leone, such identity formation was able to occur to some extent throughout the APC dictatorships of Stevens and Momoh following independence, as the provinces were left largely to themselves by the overly-centralised state government.<sup>144</sup> This process was disrupted by the civil war, but questions of national identity have emerged again in the post-conflict environment. If Sierra Leoneans look to traditional authorities as part of their identity, the ‘we’ that is so essential to democracy, then any efforts to suppress these authorities risks being widely unpopular and perceived as an assault upon Sierra Leonean ethnic identities. This danger is particularly strong in Sierra Leone where the historic divide (both geographical and relational) from 1787 between the Krio and indigenous populations makes the formation of a state identity difficult.<sup>145</sup>

The global economic crisis of the 1970s and subsequent structural adjustment programmes promoted by the International Monetary Fund and World Bank also inadvertently played their part in strengthening traditional authorities. As the state was rolled back and social spending

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<sup>140</sup> ‘Mixed government’ refers to a system of government based upon the dual authority of indigenous and ‘modern’ political structures. The term is borrowed from Richard Sklar, “The Premise of Mixed Government in African Political Studies,” in *Tradition and Politics: Indigenous Political Structures in Africa*.

<sup>141</sup> Englebert, “Back to the Future?,” 46.

<sup>142</sup> Ibid, 47.

<sup>143</sup> Terence Ranger, “The Invention of Tradition in Colonial Africa,” in *The Invention of Tradition*, eds. Eric Hobsbawm and Terence Ranger (Cambridge: Cambridge University Press, 1983), 237.

<sup>144</sup> Zack-Williams, “Introduction,” 2.

<sup>145</sup> Owen Alterman et al, “The Law People See: The Status of Dispute Resolution in the Provinces of Sierra Leone in 2002” (National Forum for Human Rights: Freetown, January 2003); Fanthorpe, “Neither Citizen nor Subject?,” 363-386.

cut, African citizens increasingly looked for alternative service providers.<sup>146</sup> Traditional forms of governance thus reinforced their relevance within the ‘modern’ state system. Finally, a revival of indigenous structures was further supported by donor trends from the mid-1990s, which saw a growing focus on local ownership.<sup>147</sup> Grassroots institutions and the seemingly ‘traditional’ became the favoured conduits for providing assistance that would be sustainable and relevant to the needs of local communities. Such aid channels were perceived as bypassing the corruption seen to blight state governments.

Indeed, current donor emphasis, particularly in the field of SSR, on local ownership, could utilise the grassroots legitimacy enjoyed by traditional authorities to strengthen their programmes and make them more locally relevant.<sup>148</sup> Taking a statist position towards SSR, DFID’s local ownership focuses upon government buy in. Yet given that the state represents merely a fraction of the governance matrix in Sierra Leone, and given its poor history of representation, this might not be sufficient as a form of local ownership. As Hashim Gibrill suggests, national reconciliation cannot merely be conferred by elite agreement, but rather must occur across the divides of capital and hinterland, indigenes and strangers and youth and elders.<sup>149</sup> This idea of more grassroots buy in is not particularly novel, with donors turning to civil society (including traditional authorities) to improve grassroots local ownership in the 1980s and early 1990s.<sup>150</sup> Yet in relation to SSR, it has yet to be attempted. As Richard Sklar notes:

Increasingly ... [the moral authority of traditional leaders] is reckoned in Africa to be a political resource of potentially great value. Wisely used, it can help to maintain civic morale and social order during the current era of extremely difficult transitions to modern forms of economy and society. A separate source of authority, embedded in tradition, could be used to reinforce social stability without the abandonment of democratic reforms. Traditional governments would then prove themselves to be superior shock absorbers for the African ships of state during the stormy passages of these turbulent times.<sup>151</sup>

Attempts to improve governance both in quantity and quality might thus benefit from a

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<sup>146</sup> Englebert, “Back to the Future?,” 49.

<sup>147</sup> Ibid, 50.

<sup>148</sup> Oliver P. Richmond, “Becoming Liberal, Unbecoming Liberalism: Liberal-local hybridity via the everyday as a response to the paradoxes of liberal peace building,” *Journal of Intervention and Statebuilding* 3, no. 3 (November 2009): 328; 334.

<sup>149</sup> Hashim Gibrill, “The Disintegration and Restoration of State Authority in Sierra Leone,” in *Beyond State Failure and Collapse: Making the State Relevant in Africa*, ed. George Klay Kieh Jnr. (Plymouth: Lexington Books, 2007), 193.

<sup>150</sup> Englebert, “Back to the Future?,” 50.

<sup>151</sup> Richard Sklar, “The Premise of Mixed Government in African Political Studies,” 17.

partnership between state and non-state. The history of the state in Sierra Leone highlights the ongoing importance of informal governance providers, and also the manner in which current reform efforts do not resonate with the experience of the state there. Yet it is precisely this kind of engagement that DFID seems politically and organisationally limited in operationalising.

### **Judging human rights records**

A common refrain amongst donors is that informal actors cannot be engaged if they are illiberal in character or have a poor human rights record.<sup>152</sup> This is an important impediment for DFID given its commitment to human rights and the British public's perception of DFID as a human rights protecting organisation. However this is an interesting protestation given that state actors in Sierra Leone, who DFID have not hesitated to engage with, do not have a much better history of human rights, good governance or democracy than their informal counterparts. Thus, if the human rights abuses of states can supposedly be transformed, why not those of informal actors? As Eric Scheye rightly demands:

Even if one were to distinguish between state institutions and non-state/local justice networks, the distinction would be specious. Donors support state institutions that routinely violate human rights, in part to lessen the occurrence of the abuses. The same logic should be applied to non-state/local justice networks.<sup>153</sup>

Zöe Marriage has problematised DFID's engagement with state actors on the basis that they represent 'good governance'.<sup>154</sup> As Marriage points out, DFID claims to support good governance in its aid commitments and partnerships, often leading it to engage with states, but it is unclear what "good" means. It is worth quoting her interpretation at length:

Empirically "good" reveals little, and governance supported by DFID was compatible with violence and destitution. In Sierra Leone Kabbah was elected when the country was divided and people were facing death to vote in a system they had little reason to trust; when ousted he was reinstated by foreign military intervention. Asked whether there had been questions about the government's legitimacy, DFID's First Secretary in Freetown replied, "Not so far. It's the democratically elected government of Sierra Leone. If it postponed the election for an indefinite period, let's say one year, I think everyone would have to question it." Elections took place over a year later in May 2002, but nobody questioned it ... In terms of being "good" politically, the International Crisis Group claims Kabbah's "poor judgment" over the policy leading to the execution of people connected to the junta [who temporarily overthrew him] "undoubtedly contributed to the intensity of the horrific revenge killings and abuses

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<sup>152</sup> DFID, "Non-state Justice and Security Systems," 4.

<sup>153</sup> Eric Scheye, "Unknotting Local Ownership Redux: Bringing Non-state/Local Justice Networks Back In," in *Local Ownership and Security Sector Reform*, ed. Timothy Donais (Berlin: Lit Verlag, 2008), 67.

<sup>154</sup> Marriage, *Challenging Aid in Africa*, 48-49.



during the January 1999 RUF attacks on Freetown”. Others have found Kabbah “weak, corrupt and partisan” and documented his blind-eye discipline of the army or allied militias. DFID’s decision to support him was not influenced by these factors.<sup>155</sup>

If such a governance record is dignified with the response of engagement to build ‘good governance’ by DFID, questions must be raised about the lack of engagement with informal governance actors and the legitimacy that is bestowed upon the state.

The distinction made between the human rights abuses committed by states and those committed by informal actors is further indicative of the prism of liberalism, bureaucracy and statism through which DFID understands and replicates the world and models its development assistance. As an agency of a state itself, and operating within particular bureaucratic and political confines, DFID’s worldview focuses on the benevolent potential of state bureaucracies over that of informal actors. Justice, security, democracy and human rights thus become most effectively served by a centralised state authority, properly structured and rule-bound by legal-rationalism. Informal actors, conversely, represent unaccountability and a lack of oversight, rendering them unmanageable forces. Yet this worldview is excessively neat and does not account for the reality of state experience and capacity in Sierra Leone. Whilst the iniquities of the state are deemed as being legitimate targets for reform, the iniquities of informal security actors are not. DFID thus risks falling prey to the pitfall described by Barnett and Finnemore: ‘In their efforts to protect human rights, provide security, and promote development, bureaucracies continually find that their definitions and standard operating procedures do not take into account features of reality that threaten their ability to accomplish these missions.’<sup>156</sup> Such a position does not accept that governance (not just in Sierra Leone, but everywhere) might involve informal actors and that, in practice, the Weberian ideal exists nowhere in archetypal form. DFID operates with a model of the state that is divorced from Sierra Leonean experience. It does not acknowledge the important roles played by the informal and the inherent differences of the state as compared to European models. As Eric Scheye and Louise Andersen note:

[the illiberal nature of nonstate security providers does not] set them apart from the state systems. In fragile states, the security provided by both state and nonstate systems is unequal and “patchy” and provides varying levels of service (if any) to different community members ... The donor’s choice is not between supporting a human-rights-respecting state system and an illiberal nonstate system. If only that were the case, the choice would be simple. The

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<sup>155</sup> Ibid, quoting the International Crisis Group, Stephen Ellis and Joseph Hanlon respectively.

<sup>156</sup> Barnett and Finnemore, *Rules for the World*, 44.

complexity and the predicament arise when faced with a state system that provides very few ... services and a nonstate system that does provide some – albeit in a less than perfect manner.<sup>157</sup>

This more complicated choice is simplified for DFID by valorising the potential of the state, regardless of the lack of evidence to suggest that such a state is possible in practice.<sup>158</sup> Even if DFID staff possess a more nuanced understanding of the state (and on the basis of interviews I believe they do) – the nature of the organisation itself limits certain programmatic engagements. Engagement with the broad spectrum of security providers, needed to improve security and justice for marginalised and vulnerable groups and to comprehensively address the causes of conflict, thus might not be possible for DFID, given its liberal democratic ethos, as well as its legal-rational, state-centred worldview.

### **The security-development nexus**

DFID's political and organisational limitations go further though than just stymieing engagement with informal security actors. They also raise larger questions about DFID's involvement in security, which it justifies on the basis of the security-development nexus. In its increasing engagements with security tasks DFID is partnering with the MoD and the FCO. Aside from issues of cross-departmental coordination, the viability of such partnerships has been largely neglected. If development organisations, like DFID, work with particular logics (an ethical politics based on liberalism that provides them with authority) that are insulated from logics of security (which rest upon alternative sources of authority and internalise different normative commitments), when such organisations end up involved in security practices, their guiding commitments are incongruous and likely to clash.<sup>159</sup> There are reasons why security organisations and development organisations are historically different. Development agencies have fostered internal cultures that are oriented towards traditional development practices – education, healthcare and human rights promotion, for example, which allow them to adopt a liberal culture. Security tasks, on the other hand, often involve dealing with direct violence and highly unsavoury actors in increasingly non-state contexts through a strict chain-of-command. These are situations conventionally deemed so

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<sup>157</sup> Scheye and Andersen, "Conclusion: Toward a multilayered approach to security," 233.

<sup>158</sup> Egnell and Halden, "Laudable, Ahistorical and Overambitious."

<sup>159</sup> Sarah Jane Meharg, "Clash of the Titans: Navigating new identities in conflict geographies," in *Helping Hands and Loaded Arms: Navigating the Military and Humanitarian Space*, ed. Sarah Jane Meharg (Clementsport, NS: The Canadian Peacekeeping Press, 2007), 135.

exceptional that usual politics is suspended in favour of a securitised response.<sup>160</sup> DFID's ability to work with such actors and in such environments might only be possible in a very limited sense. Entering the field of security tasks requires a transformation of thinking from being predominantly concerned with the human rights record of participants, their liberal democratic potential and their decision making processes. One cannot simply bolt on security logics to development logics and assume the two will not contradict. Security and development fields have been institutionally and ideologically (in policy worlds, as in academia) distinct, with often opposing worldviews that can result in antagonistic relationships in increasingly shared humanitarian spaces.<sup>161</sup> This is apparent in social settings in Freetown and where security personnel have been heard referring to development workers as 'tree huggers', whilst those in the development industry speak of security forces as lacking cultural understanding, intelligence and being heavy handed.<sup>162</sup> As Maria Stern and Joakim Ojendal note, 'notions of both "security" and "development" emerge from disparate ontologies.'<sup>163</sup> These opposing commitments and worldviews cannot easily be melded together without compromise. Indeed, civil-military relations theory was developed precisely to assist in navigating this unusual relationship between two culturally (in the organisational sense) divergent actors.<sup>164</sup> Civil-military relations literature maintains that differences in organisational culture can hamper integration of security and development activities.<sup>165</sup> The well-noted problems of coherence between DFID, FCO and MoD staff in Sierra Leone thus might be more than just procedural failures that can be amended with increased communication.<sup>166</sup> They might, rather, be indicative of contradictory organisational cultures and goals that whilst seemingly having been resolved in policy and doctrine, are more intractable in practice.<sup>167</sup> The boundary between the concepts of security and development, whilst penetrable at a conceptual level in policy statements, requires far more difficult transformations of logics on the ground. DFID's political nature may prevent it from overcoming such transformations, and thus ultimately limit its ability to effectively engage in

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<sup>160</sup> Ole Weaver, "Securitization and De-securitization," in *On Security*, ed. R. Lipschutz (New York, NY: Columbia University Press, 1995), 46-86.

<sup>161</sup> Meharg, "Clash of the Titans," 117; Maria Stern and Joakim Ojendal, "Mapping the Security-Development Nexus: Conflict, complexity, cacophony, convergence?," *Security Dialogue* 41, no. 5 (2010): 7.

<sup>162</sup> Observations and discussions on fieldwork in Sierra Leone, February – April 2009.

<sup>163</sup> Stern and Ojendal, "Mapping the Security-Development Nexus," 6.

<sup>164</sup> Natalie Mychajlyszyn, "Putting Policy into Practice: Integrating post-conflict operations," in *Helping Hands and Loaded Arms*, 176-177.

<sup>165</sup> *Ibid*, 182.

<sup>166</sup> Author interview with Piet Biesheuvel, Libra Advisory Group (SSR consultants to DFID), 17 October 2008.

<sup>167</sup> Cedric de Coning, "Civil-military coordination and complex peace building systems," in *Civil-Military Cooperation in Post-Conflict Operations*, ed. Christopher Andersen (London: Routledge, 2008), 55; 56.

security tasks.

## Conclusion

DFID's political character disallows it from making the kind of engagements necessary to fundamentally alter security practices. DFID needs to consider what security role it can play in future operations. The policing and justice programmes in Sierra Leone have undoubtedly made positive contributions to post-conflict life. Both the police and judiciary are more trusted and utilised institutions than they were previously. But it would be a stretch to say that these improved services have fundamentally altered the manner in which the majority of Sierra Leoneans access security. This still occurs largely through informal and often illiberal actors, dissatisfaction with whom was a contributing cause of the civil war. Does this mean that DFID should not do SSR in future? Or does it simply mean that it needs to be more cognisant of its limitations and the hubris involved in social engineering attempts and accept that SSR (as it has been practiced by DFID in Sierra Leone) will never fundamentally alter practices of security or address the full spectrum of conflict causes? Scheye and Andersen characterise the dilemma DFID faces:

if donors want to support SSR in fragile states, while maintaining good development practices, they may need to recognise and accept the risks of working with nonstate actors who may not respect, adhere to, or believe in international human rights standards. Donors, of course, can choose not to engage in SSR under such circumstances, but, if they do wish to engage, the pertinent question may not be whether a nonstate justice and security provider accepts Western standards or not, but rather how donor assistance can improve the lives of citizens subjected to such service providers.<sup>168</sup>

DFID must decide whether there is space within its liberal, bureaucratic and statist nature to accommodate the kinds of actors that engagement with security tasks puts the organisation in contact with, or whether its role in SSR needs to be limited to practices that fit more comfortably with the organisation's goals and culture. This dilemma has not been arrived at by wrong footing. DFID has recognised that its earlier approach to achieving development was insufficient and has attempted to incorporate new and innovative strategies to improve its efforts. To paraphrase Barnett and Finnemore, as DFID has recognised that its worldview is incomplete and that achieving its goal of poverty reduction requires it to take into account other variables, such as security, it has expanded its work into new fields.<sup>169</sup> The challenge, however, is to determine whether the organisation, as it stands, is politically and

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<sup>168</sup> Scheye and Andersen, "Conclusion: Toward a Multilayered Approach to Security," 240.

<sup>169</sup> Barnett and Finnemore, *Rules for the World*, 44.

bureaucratically capable of making the engagements that success in this new field would require. That is, engaging with the informal security actors who are the predominant security providers and whose failures were a contributing cause of the civil war. As Scheye and Andersen rightly warn, ‘the challenge is a forbidding one.’<sup>170</sup>

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<sup>170</sup> Scheye and Andersen, “Conclusion: Toward a Multilayered Approach to Security,” 240.

# Conclusion

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It has been the argument of this thesis that DFID's ability to engage with informal actors, necessary for sustainable security sector reform (SSR) that comprehensively addresses the causes of conflict, is limited by the organisation's bureaucratic nature and political commitments, that lead the organisation to perceive the causes of war in a particular manner. The peacebuilding literature, along with the Final Report of Sierra Leone's Truth and Reconciliation Commission, indicate that peacebuilding efforts must address the causes of conflict to make a lasting impact.<sup>1</sup> Only by resolving the problems that instigated conflict in the past can future violence be avoided and peace sustainably achieved.<sup>2</sup> This has also been the goal of the UK's SSR programme in Sierra Leone.<sup>3</sup> Whilst DFID's understanding of the causes of conflict in Sierra Leone (set out in the first chapter) was largely limited to state failure and security-development nexus rubrics, the second chapter of this thesis argued for a 'thicker' understanding of the causes of conflict. This built upon a demonstration of the many roles played by chiefs and secret societies and how these practices created grievances that led to conflict. This thicker understanding detects failures, then, not merely in the state governance apparatus, but also in the informal practices of the chieftaincy system, which administers everyday politics for the majority of Sierra Leoneans who live in rural areas. The chieftaincy system, along with other informal actors such as secret societies and patron-client relationships, are the primary authorities determining people's access to resources on a daily basis, not the central state. Many former-RUF recruits spoke of disenchantment with these authorities due to their frequent abuses of power and the lack of opportunities afforded under their control.<sup>4</sup> These grievances, compounded with state failure, were the antecedents to the civil war. Yet as has emerged repeatedly throughout this thesis, despite dissatisfaction with chiefs, overwhelming local opinion insists upon their continued existence.<sup>5</sup> Building a

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<sup>1</sup> Michael Barnett et al, "Peacebuilding: What is in a name?," *Global Governance* 13 (2007): 37- 42; Roland Paris, *At Wars End: Building Peace after Civil Conflict* (Cambridge: Cambridge University Press, 2004), 3; Vincent Chetail, "Introduction: Post-Conflict Peacebuilding: Ambiguity and Identity," in *Post-Conflict Peacebuilding: A Lexicon*, ed. Vincent Chetail (Oxford: Oxford University Press, 2009), 1.

<sup>2</sup> Charles T. Call and Susan E. Cook, "On Democratisation and Peacebuilding," *Global Governance* 9 (2003): 233.

<sup>3</sup> DFID, "Security Sector Reform and the Management of Military Expenditure: High Risks for Donors, High Returns for Development" (London: DFID, 2000), 24-25.

<sup>4</sup> Author interviews with Members A, Promoters of Peace and Justice Freetown, 16 February 2009; Member B, Promoters of Peace and Justice Freetown, 3 March 2009; Member C, Promoters of Peace and Justice Freetown, 13 March 2009; and Members D, Promoters of Peace and Justice Bo, 17 March 2009.

<sup>5</sup> Author interviews in Sierra Leone, February – April 2009.

sustainable peace that addresses these grievances means engaging with these informal, dominant, flawed but locally legitimate, security providers.

However, DFID's SSR programme in Sierra Leone has not, on the whole, engaged with these informal actors, or has done so in a limited manner. As demonstrated in the case studies in chapters three and four, DFID has focused overwhelmingly on formal, state security forces such as the Republic of Sierra Leone Armed Forces (RSLAF), the Sierra Leone Police (SLP), the Central Intelligence and Security Unit (CISU), the Office for National Security (ONS) and the formal judiciary.<sup>6</sup> Despite early efforts by DFID to strengthen Paramount Chiefs through the Chieftom Governance Reform Programme, discussed in chapter two, this programme was unsuccessful in engaging with the politics and failures of the chieftaincy system, and ultimately was disbanded. Thus, while DFID's foray into SSR has certainly improved formal policing and justice services, especially in Freetown and urban areas, it has not fundamentally transformed the means by which the majority of the population access security and justice, nor has it comprehensively addressed the causes of the conflict. This is, at least in part, because they have not engaged with the informal policing and justice actors who are Sierra Leone's predominant providers and whose failures were a contributing factor that led to youth revolt. For instance, the chapter three case study of the Family Support Units (FSUs) as part of the reform of the SLP indicates that they fail to attract the majority of poor, rural women given the geographic, financial and cultural inaccessibility of the Units. These women thus continue to be policed by their local chiefs and secret societies, whose human rights records fall far below international standards and have not been the recipients of international reform efforts. Had SSR efforts recognised the importance of informal policing actors and engaged them in reform, more women would be able to access improved policing services. The case study of primary justice reform conducted by DFID's Justice Sector Development Programme (JSDP) in chapter four offers more promise of engagement with informal actors through its attempts to codify customary law and reform the Local Courts that administer these laws. Such engagement should be applauded and, as the programme is not due to finish until 2011, encouraged to extend their efforts further. However, the JSDP's engagement has been limited to attempts to formalise the informal and to engage only with the constitutionally legal

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<sup>6</sup> A notable exception here is the Justice Sector Development Programme's primary justice projects, which have also engaged with the Local Court System and codification of customary law. Yet, as has been discussed in chapter four, the manner of this engagement was itself limited. Efforts were focused solely on the 'legal' informal actors (Local Courts), with no engagement of the 'illegal' informal (chieftaincy and secret societies) and projects sought to formalise informal practices. Thus, while these efforts are exemplary in terms of DFID's SSR projects in Sierra Leone, the manner in which the informal was engaged remains problematic.

informal actors. This excludes from engagement the chieftaincy system and secret societies that provide a tier of justice below the Local Courts which is often the first point of call for many Sierra Leoneans.<sup>7</sup> More could therefore be done to extend engagement to all informal actors, especially those who are the dominant justice providers. DFID's SSR efforts in Sierra Leone thus seemed originally incognisant of the role that the failure of informal governance and security architectures played in triggering the civil war and while they have managed to later incorporate some level of understanding through the JSDP, this has been to a limited degree.

The fifth chapter turned to the question of why DFID is seemingly unable to engage with informal security actors. It began by examining the variation in levels of informal engagement between the case studies, suggesting that DFID's understandings of security and justice are crucial to the terms of its SSR engagements in these fields. Overwhelmingly however, both case studies suggested that the informal pose far greater challenges for DFID engagement than their state security counterparts. In examining why, the bureaucratic character and political commitments internal to DFID were discussed, suggesting that DFID's programmatic choices are bounded by the organisation's very nature. In delineating DFID's worldview, this nature renders engagement with formal state structures significantly more straightforward than engagement with informal actors that operate according to different bureaucratic and political logics. Specifically, DFID's bureaucratic nature and political commitments lead them to a view of the causes of conflict and nature of security provision in Sierra Leone that privileges the state. This understanding filters through DFID's post-conflict recovery response, resulting in an overwhelmingly state-centric SSR programme that leaves informal security actors unreformed. This restricts the ability of its SSR efforts to comprehensively address the thickly understood causes of conflict and sustainably transform security provision in Sierra Leone. These limitations bring into question DFID's increasing involvement in security tasks as development processes more broadly. In concluding, new directions of enquiry will be pointed to that the thesis pushes towards. Two key areas are suggested for further research, before highlighting the original contributions of the thesis.

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<sup>7</sup> Braima Koroma, "Local Courts Record Analysis Survey in Sierra Leone," Justice Sector Development Programme and the World Bank's Justice for the Poor Programme, October 2007, [http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTLAWJUSTICE/EXTJUSFORPOOR/0,,contentMDK:21172707~menuPK:3282963~pagePK:210058~piPK:210062~theSitePK:3282787,00.html#Sierra\\_Leone](http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTLAWJUSTICE/EXTJUSFORPOOR/0,,contentMDK:21172707~menuPK:3282963~pagePK:210058~piPK:210062~theSitePK:3282787,00.html#Sierra_Leone), accessed 4 October, 2009, 6; Sierra Leone Court Monitoring Programme, "Customary Law Users Guide," 5 October, 2006, [http://www.slcmp.org/drwebsite/manager/uploads/1/SLCMPCustomary\\_Law\\_Manual\\_Final.pdf](http://www.slcmp.org/drwebsite/manager/uploads/1/SLCMPCustomary_Law_Manual_Final.pdf), accessed 28 September, 2009.



### **What might engaging with state and informal security actors look like?**

This thesis has argued that addressing the causes of conflict and sustainably transforming security provision in Sierra Leone, requires both formal state structures and informal security actors be engaged in SSR. What might such a two-pronged approach to SSR look like? While it might seem that supporting the security sector of a centralised state would be weakened or contradicted by simultaneously working with informal security providers, this approach misunderstands the longevity of a dual system of governance, policing and justice within Sierra Leone and the links between chiefs and the state. While at times chiefs and state politicians vie for power, they are more often interwoven into a dependence on each other for funding, votes and access to resources.<sup>8</sup> Sierra Leoneans maintain a loyalty to their chiefs while at the same time participating in the life of an increasingly democratic state. As Ryann Manning explains ‘the reality of local authority in Sierra Leone is not an antagonistic and mutually incompatible duality between the modern and the traditional, but a complex and dynamic hybrid of the two.’<sup>9</sup> Rather than creating a competitive security environment, then, reforming security provision at both the formal and informal locations would simply allow Sierra Leoneans in both urban and rural settings a better chance of accessing improved policing and justice.

Efforts to understand the duality of Sierra Leonean citizenship as located in both the chiefdom and the state are beginning to emerge.<sup>10</sup> This kind of research is an essential foundation for sustainable peacebuilding efforts, as it provides a more accurate, thicker account of Sierra Leonean practices. Understanding these practices will allow external practitioners to build a better picture of local authority structures, allegiances and service providers, rather than having to extrapolate from experiences in their often culturally distant home countries. In this manner, reforms can build upon practices with thick roots in society that will weather the political and social storms of the future better than thinly planted reforms. This thesis has attempted to highlight one area in which the failure to sufficiently understand local practices has limited the effectiveness of DFID’s SSR programme. Further research is needed in order to forge a security system that meets the needs of the entire population. Given the strain that

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<sup>8</sup> Tunde Zack-Williams, “Introduction: Africa at the Millennium,” in *Africa in Crisis: New Challenges and Possibilities*, eds. Tunde Zack-Williams, Diane Frost and Alex Thomson (London: Pluto Press, 2002), 2.

<sup>9</sup> Ryann Elizabeth Manning, “Landscape of Local Authority in Sierra Leone: How ‘Traditional’ and ‘Modern’ Justice and Governance Systems Interact,” in *Decentralisation, Democracy and Development: Recent Experience from Sierra Leone*, ed. Yongmei Zhou (Washington, DC: World Bank, 2009), 111. In the context of Somalia see Ken Menkhaus, “Governance without Government in Somalia: Spoilers, State Building and the Politics of Coping,” *International Security* 31, no. 3 (2007): 74-106.

<sup>10</sup> Manning, “Landscape of Local Authority in Sierra Leone.”

formal policing and justice systems operate under, any options to alleviate this and share the workload (as well as the backlog) should be welcomed. With reform, there is no reason that informal security provision should be any more oppressive, unjust or inequitable than state security provision. Both systems face serious challenges and must confront legacies of past abuse. The improvements achieved thus far through SSR, evident within the formal system, are impressive and a cause for cautious optimism. Similar improvements could be made within their informal policing and justice counterparts if reforms were so extended.

In more practical terms, a good starting place for a comprehensive approach to SSR may be to bring formal and informal security providers together in training exercises. Important lessons could be learned on both sides. This recognition has informed recent efforts within the JSDP to train chiefdom police (although, given the JSDP's looming pull-out date of 2011, it is unclear how widespread this training will be beyond the pilot project in Moyamba District).<sup>11</sup> What needs to be avoided is an imposition, or a perceived imposition, of 'modern' (read Western) policing or justice practices. Rather, dialogue and exchange of ideas between the formal and informal, as well as international reform practitioners should be encouraged. Chiefs currently express frustration and anger that donor money is spent in their chiefdoms in a manner that they feel undermines their authority and seeks to make them irrelevant.<sup>12</sup> It is *this* approach, rather than reform at both formal and informal levels, that drives a wedge between the two systems and creates a competitive style of policing and justice. If informal security actors are made to feel legitimate providers alongside the state, then they are more likely to enter into some kind of partnership. Opportunities for this kind of engagement need to be further examined.

### **Overcoming or living with bureaucratic and political obstacles**

This thesis has demonstrated how DFID's ability to engage informal security actors is limited by its bureaucratic nature and political commitments. Can these be transcended to ensure better SSR in future, or are they intrinsic to DFID itself? As suggested in the fifth chapter, findings here indicate that DFID has thus far been unable to overcome its bureaucratic nature and political commitments to engage with informal security actors, even when DFID staff

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<sup>11</sup> Awareness Times, "Press Release: JSDP, MOJ and MIALGRD Conduct Chiefdom Police Training in Moyamba District," 25 May, 2010, [http://news.sl/drwebsite/public/printer\\_200515454.shtml](http://news.sl/drwebsite/public/printer_200515454.shtml), accessed 21 July, 2010.

<sup>12</sup> Author interviews with Paramount Chief Amara Bonya Vangahun, Nongowa Chiefdom, Kenema District, 20 March 2009; and Paramount Chief Mohammed Tshombe Kargoi the 2<sup>nd</sup>, Wunde Chiefdom, Bo District, 19 March 2009.

have been aware of the benefits of doing so. Given the absolutely central role that donors play in implementing SSR, it is surprising that so little research has been dedicated to examining their impact. This is an area for much needed further research, examining the workings and politics of donors themselves. This thesis has laid the foundations for this new agenda by revealing the bureaucratic and political confines that DFID operates within. Further research, perhaps by way of anthropological studies of the internal workings of donors, would yield important insights into how their bureaucratic and political commitments interact within the organisation and in which sections of the organisation space might be found for developing new ideologies more amenable to security tasks.<sup>13</sup> As Michael Barnett and Martha Finnemore suggest:

Just as understanding how the double-helix DNA molecule is constituted materially makes possible causal arguments about genetics, disease, and other biological processes, so understanding how bureaucracies are constituted socially allows us to hypothesize about the behaviour of IOs [international organisations] and the effects this social form might have in world politics.<sup>14</sup>

Perhaps bureaucracy is not the iron cage that Weber feared. Perhaps its shackles can be circumvented. Equally, the political mandates that delimit the field of practice of organisations like DFID might be flexible. These quandaries require that research focus not only on the difficult questions of operationalisation of peacebuilding strategies in specific country settings, but also on more rigorous examinations of how the nature of donors themselves determine programme outcomes. Even if research were to find that no space exists within DFID to forge new agency ideologies, this would assist in providing a better understanding of DFID's capabilities and limitations and thus defining the scope of its operations in the field. DFID is credited as being one of the most responsive development donors in operation and any research that can assist in keeping it on track and maximising its effectiveness should therefore be welcomed.<sup>15</sup> Equally, research into other donors and other fragile contexts would make a valuable contribution to better understanding peacebuilding practice.

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<sup>13</sup> A good example of such work in relation to the workings of the World Bank is: Graham Harrison, *The World Bank and Africa: the Construction of Governance States* (London: Routledge, 2004).

<sup>14</sup> Michael N. Barnett and Martha Finnemore, "The Politics, Power, and Pathologies of International Organizations," *International Organization* 53 (1999): 701.

<sup>15</sup> Tanja Schümer, *The New Humanitarianism: Britain and Sierra Leone, 1997-2003* (London: Palgrave Macmillan, 2008), 142.

## Contribution

This thesis has contributed to the literatures on peacebuilding, the conflict in Sierra Leone and informal actors in three principal ways. First and foremost, an original contribution is made by revealing the limitations of a key development donor in perceiving thick understandings of security practices in the field. Rather than writing DFID off as an unthinking organisation that simply *does not know* about these practices, however, this thesis moves beyond such simplifications to highlight that limitations exist *despite* DFID staff being aware of and informed about more complex practices. Examining DFID itself and the constraints that it works within to explain this problem represents a novel approach within the peacebuilding literature.

Second, while much ink has been spilt arguing about the causes of war in Sierra Leone, there has been no research to date that attempts to use these arguments as a basis for critiquing post-conflict responses. It is widely accepted in the peacebuilding literature that post-conflict response efforts must comprehensively address the antecedents to conflict if peace and development are to be in any way sustainable.<sup>16</sup> Examining DFID's lack of engagement with the failures of informal actors indicates that their post-conflict SSR response is likely to only address the state failure aspect of the causes of war in Sierra Leone. This thesis thus builds upon the literature surrounding the causes of war and extends it by linking these arguments to the success or otherwise of donor response. Critiquing the success of donors in adhering to the standards that they set themselves is crucial to ensuring better peacebuilding that achieves its purpose of establishing a sustainable and positive post-conflict peace.

Finally, the thesis also provides a detailed account of some of the roles played by chiefs and secret societies in Sierra Leone, drawing upon fieldwork interviews as well as secondary research. This serves to give greater specificity to increasing discussions on informal actors within African security and governance.<sup>17</sup> An awareness of these roles will be vital to any attempts to understand and reform how power and authority are exercised in post-conflict Sierra Leone. Taken together, these three central contributions represent original efforts to

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<sup>16</sup> Barnett et al, "Peacebuilding: What is in a name?," 37- 42; Paris, *At Wars End*, 3; Chetail, "Introduction," 1; Call and Cook, "On Democratisation and Peacebuilding," 233.

<sup>17</sup> Lars Buur and Helene Maria Kyed eds., *State Recognition and Democratisation in Sub-Saharan Africa* (Houndmills: Palgrave Macmillan, 2007); Olufemi Vaughan ed., *Tradition and Politics: Indigenous Political Structures in Africa* (Trenton, NJ: Africa World Press Inc, 2005); Louise Andersen, Bjørn Møller and Finn Stepputat eds., *Fragile States and Insecure People? Violence, Security and Statehood in the Twenty-First Century* (New York, NY: Palgrave Macmillan, 2007).

provide more empirically-grounded research of thick practices of security in Sierra Leone.

## Conclusion

While the story told here is of a specific organisation doing SSR in the context of Sierra Leone, the findings should be insightful for other development agencies engaged in SSR in complex security environments. The challenges of informal security actors to SSR programmes have been noted in Timor-Leste,<sup>18</sup> Afghanistan<sup>19</sup>, Iraq<sup>20</sup> and the Democratic Republic of the Congo<sup>21</sup> – to name but a few. The prevalence of this problem across diverse contexts suggests that unpacking how these actors can be engaged or why they cannot, will be of crucial importance in honing our post-conflict peacebuilding devices. This is particularly relevant as development agencies increasingly become involved in security tasks, such as SSR. While it is comforting to believe that development organisations are uniquely placed to focus reforms on enabling the security sector to contribute to broader developmental goals, the practicability of such tasks needs serious consideration. As the case of DFID in Sierra Leone attests, development organisations might be limited by their political mandate and bureaucratic nature in engaging with the kinds of actors that often provide security in weakly state-governed contexts. Reforming the actors who have been powerful and/or coercive enough to maintain control over people throughout an appallingly brutal political history in Sierra Leone was never going to be an appealing or straightforward task. I do not want to suggest that this means SSR should be conducted solely by defence departments and security forces, but the practicable role of development organisations should be considered in light of what will provide the best possible security for the most people in any given country.

This is not to suggest that DFID should merely strengthen informal governance mechanisms to reinstate the pre-war power configurations, merely recreating the conditions for conflict.<sup>22</sup> This approach was tried by DFID through the Chiefdom Governance Reform Programme, and

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<sup>18</sup> Gordon Peake, Eric Scheye and Alice Hills, *Managing Insecurity: Field Experiences of Security Sector Reform* (London: Routledge, 2007).

<sup>19</sup> Mark Sedra, "Security Sector Reform in Afghanistan: An Instrument of the State-Building Project," in *Fragile States and Insecure People?*

<sup>20</sup> David Ucko, "Militias, tribes and insurgents: The challenge of political reintegration in Iraq," *Conflict, Security and Development* 8, no. 3 (2008): 341-373.

<sup>21</sup> Danielle Beswick, "The Challenge of Warlordism to Post-Conflict State-Building: The Case of Laurent Nkunda in Eastern Congo," *The Round Table - The Commonwealth Journal of International Affairs* 98, no. 402 (2009): 333-346.

<sup>22</sup> Melissa Labonte, quoted in Erin McCandless and Mohammed Abu-Nimer, "Back to Basics: Reassessing our Analytical Models and Strategies to Strengthen Peacebuilding in Africa," *Journal of Peacebuilding and Development* 4, no. 1 (2008): 4.

failed.<sup>23</sup> Rather, it is argued that the war occurred due to failures in both state and non-state governance structures, and thus both need reforming to comprehensively address the causes of conflict and ensure a sustainable peace. DFID has recognised this in regard to the state and has launched reform programmes accordingly. Yet their liberal bureaucratic nature has made the same reform efforts vis-à-vis informal actors problematic. This thesis should be taken as a prompt for serious conversation about what role informal governance mechanisms can play in contemporary politics and security and the role of development agencies in shaping them. In many places, the liberal bureaucratic model of state administration has been circumvented, undermined, failed, or never really existed in the first place. Further research into what hybrid political orders might look like is needed.

If development agencies are not able to engage with the thorny and morally dubious actors that are involved in security provision, or even those actors who merely operate according to non-bureaucratic processes, then the nature of their contribution to SSR needs to be reappraised. It is all well and good to hope that, over time, fealty towards informal security providers will weaken, as state security forces improve. Yet there is little precedent in Sierra Leone, or Africa more broadly, to suggest that this shift will occur, as evidenced by the growing literature on the continuing role of informal institutions in African governance.<sup>24</sup> Practitioners may well need to put their hopes for a legal-rational, Weberian state on the backburner and focus in the meantime on improving the kinds of states that actually exist in Africa. Helene Kyed and Lars Buur describe the fear of some practitioners:

The fear of the sceptics is that the gains promised by democracy with regard to equity, human rights, and gender equality will be lost if the rudder of development and governance is handed over to an indeterminate huddle of unelected patriarchal leaders in the name of efficient, localised governance, cultural diversity, and the inclusion of local communities.<sup>25</sup>

Yet, as they go on to argue, this is what already exists, to varying degrees in many places. To engage with this form of governance is merely to recognise already lived realities. This reality

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<sup>23</sup> Author interviews with Mark White, West Africa Regional Conflict Advisor, DFID (former Security Sector Reform Advisor and former Programme Manager for Security Sector Reform and Justice Sector Development Programmes in Sierra Leone, DFID), 16 October 2008; and Garth Glentworth, Senior Governance Advisor, DFID, 17 October 2008.

<sup>24</sup> Buur and Kyed eds., *State Recognition and Democratisation in Sub-Saharan Africa*; Vaughan ed., *Tradition and Politics*; Andersen, Møller and Stepputat eds., *Fragile States and Insecure People?*; Bruce Baker, "Post-Settlement Governance Programmes: What is Being Built in Africa?," in *Ending Africa's Wars*, eds. Oliver Furley and Roy May (Aldershot: Ashgate, 2006), 31-46; G. Blundo and J-P Olivier de Sardan, *Everyday Corruption and the State* (London: Zed Books, 2006).

<sup>25</sup> Kyed and Buur, "Introduction: Traditional Authority and Democratisation in Africa," 11.

in Sierra Leone is a weak but resilient state that exists alongside many equally resilient ‘twilight institutions’<sup>26</sup> that exercise authority over the day to day affairs of people’s lives. Not only are both of these responsible for dispensing security and justice in Sierra Leone, but it was also the failure of both that precipitated the civil war. Addressing the causes of conflict and improving security and justice for Sierra Leoneans means engaging both and finding the appropriate donors willing and able to do so.

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<sup>26</sup> Christian Lund, *Twilight Institutions* (Oxford: Blackwell, 2007).

## *INTERVIEW LIST*

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